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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 51]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.351 *Navel Orange Regulation 51—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 10, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges

and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 13, 1955, and ending at 12:01 a. m., P. s. t., March 20, 1955, is hereby fixed as follows:

- (i) District 1: 161,700 boxes;
 - (ii) District 2: 369,600 boxes;
 - (iii) District 3: Unlimited movement;
 - (iv) District 4: Unlimited movement.
- (2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 11, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-2134; Filed, Mar. 11, 1955;
11:44 a. m.]

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PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

COMPILATION OF ORDER REGULATING HANDLING

For convenient reference, the texts of the codified portions of Order No. 51, regulating the handling of Tokay Grapes grown in San Joaquin and Sacramento Counties in California and comprising Subpart—Order Regulating Handling (F. R. Doc. 40-3445; 5 F. R. 2883) which became effective on August 20, 1940, as amended (6 F. R. 4291, 14 F. R. 440) recodified (16 F. R. 9353, 10016) and as further amended (17 F. R. 7418; 18 F. R. 4903), are reprinted in the FEDERAL REGISTER in the form of a compilation.

This material was prepared in cooperation with the Federal Register Division and has been examined for completeness and accuracy.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

MARCH 9, 1955.

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AUTHORITY: §§ 951.1 to 951.94 Issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 951.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (Original findings in 5 F. R. 2883)

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Lodi, California, beginning on April 20, 1953, upon proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapes covered thereby;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and

that it would be contrary to the public interest to postpone such effective date until 30 days after such publication (60 Stat. 237; 5 U. S. C. 1001 et seq.) It is necessary, in the public interest, to make this order effective as soon as practicable, so as to facilitate, promote, and maintain orderly marketing of the grapes covered hereunder. Shipments of Tokay grapes grown in San Joaquin and Sacramento Counties will begin to be made in a limited way about the middle of August and in volume soon thereafter. It is necessary therefore, to make this order effective promptly so that it will be operative prior to the date on which regulations may be formulated and issued. In this way, the full benefits of the amended program will be available to producers and handlers throughout the 1953 marketing season. Furthermore, the Industry Committee must be afforded opportunity for the consideration of such changes in the current rules and regulations as may be appropriate in view of the amendatory provisions hereof, and such changes should be in effect prior to the beginning of the Tokay grape shipping season. The provisions of this order are well known to handlers, the public hearing on the amendments having been held in Lodi, California, on April 20, 21, and 22, 1953, and the recommended decision and final decision having been published on June 26 (18 F. R. 3665), and July 25, 1953 (18 F. R. 4382), respectively. Handlers and producers have received copies of the text of the amendatory order; and compliance with the provisions hereof will not require any advance preparation on the part of persons subject thereto that cannot be completed prior to such effective date.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding co-operative associations of producers who were not engaged in processing, distributing, or shipping the grapes covered by this order) who, during the period April 1, 1952, through March 31, 1953, shipped not less than 50 percent of the volume of Tokay grapes covered by said order, as amended and hereby further amended;

(2) The aforesaid agreement, amending the said marketing agreement, as amended, has been executed by handlers who were signatory parties to said marketing agreement and who, during the preceding fiscal year (April 1, 1952, through March 31, 1953), shipped not less than 50 percent of the Tokay grapes, grown in San Joaquin and Sacramento Counties in California, shipped by all handlers signatory to said marketing agreement during such fiscal year;

(3) The issuance of this order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1952, through March 31, 1953) were engaged within the production area specified in

said order, as amended, in the production of Tokay grapes for market.

It is therefore ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

SUBPART—ORDER REGULATING HANDLING DEFINITIONS

§ 951.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States.

§ 951.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246) as amended, and further amended by Public Law 305, 80th Cong., approved August 1, 1947.

§ 951.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 951.4 *Grapes.* "Grapes" means all strains of Tokay grapes grown in the production area.

§ 951.5 *Grower.* "Grower" is synonymous with "producer" and means any person engaged in the production of grapes, who, as the owner of the vineyard or as a tenant thereon, has a financial interest in the crop from such vineyard. As used in § 951.52, "grower" shall also include the purchaser of a crop of grapes on the grapevines.

§ 951.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common carrier of, or an operator of a cold storage for, grapes owned by another person) who, as owner, agent, or otherwise, ships or handles grapes, or causes grapes to be shipped or handled, in fresh form, by rail, truck, boat, or any other means whatsoever.

§ 951.7 *Handle.* "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, or in any other way to place grapes in the current of commerce between any point within the production area and any point outside thereof. The term "handle" also means to deliver grapes to a refrigerated storage warehouse for storage purposes, either within the production area or outside thereof. The term "handle" shall not include the sale of grapes on the vine or the transportation of grapes from a vineyard, or a packing shed within the production area, to a packing shed within the production area.

§ 951.8 *Size.* "Size," as used with reference to the size of grapes, means the weight of a bunch of grapes.

§ 951.9 *Standard package.* "Standard package" means the package designated by the Industry Committee and approved by the Secretary.

§ 951.10 *Season.* "Season" means the 12-month period beginning April 1 of

any year and ending March 31 of the following year, both inclusive.

§ 951.11 *District.* "District" means the applicable one of the following described subdivisions of the production area:

(a) "Lodi District" means the County of San Joaquin in the State of California, and shall be divided into the following Election Districts: (1) "Acampo Election District" means the school district of Houston; (2) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (3) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (4) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (5) "Alpine Election District" means the school districts of Alpine and Lodi; (6) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts. The boundaries of the foregoing school districts shall be those in effect on October 1, 1947.

(b) "Florin District" means the County of Sacramento in the State of California.

§ 951.12 *Production area.* "Production area" means the Counties of San Joaquin and Sacramento in the State of California.

§ 951.13 *Pack.* "Pack" means to place grapes into containers for shipment to market as fresh grapes and to deliver such containers of grapes to a packing platform or shed or to a vehicle for transportation to market or storage. The term "pack" also means to place grapes into a shipping container in a packing shed.

§ 951.14 *Allotment period.* "Allotment period" means any three consecutive days commencing with such day as may be established in a regulation issued pursuant to § 951.61.

§ 951.15 *Day.* "Day" means one calendar day except that Saturday and Sunday shall be considered as one such day.

COMMITTEES

§ 951.20 *Establishment of Industry Committee.* An Industry Committee consisting of seven members, one for each of the election districts in Lodi District and one for the Florin District, is hereby established. There shall be an alternate for each member of the committee.

§ 951.21 *Selection of initial members of Industry Committee.* The initial members of the Industry Committee and their respective alternates shall be selected by the Secretary as soon as possible after the effective date of this subpart. In selecting such members and their alternates, the Secretary shall make his selection upon the basis of the representation provided for in § 951.20.

§ 951.22 *Nomination of successors to initial members of Industry Committee.* (a) Nominations for members and alternate members of the Industry Committee, subsequent to the initial members and alternates, shall be made at a meeting of growers in the Florin District and in each of the election districts in the Lodi District. Such meetings shall be called by the Industry Committee at such times (on or before March 1 of each season) and at such places within such districts as the said committee shall designate. The growers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the chairman or the secretary of such meeting shall forthwith transmit to the Secretary his certificate showing the name of each person for whom votes have been cast, whether as member or as alternate for a member and the number of votes received by each such person.

(b) In the nomination of members and alternate members of the Industry Committee, each grower shall be entitled to cast only one vote, which shall be cast on behalf of himself, his agents, partners, and representatives, for each nominee to be elected in the district in which the grower produces grapes: *Provided,* That in the case of growers who produce grapes in the Lodi District, such growers shall vote only in the election district within the Lodi District in which such growers produce grapes. Only growers who are personally present at such nomination meetings shall be entitled to vote for nominees. Each grower shall be entitled to vote only in one election district or in the Florin District, and only for the nominees to be elected in such election district or in the Florin District, as the case may be.

§ 951.23 *Eligibility for membership on Industry Committee.* A person nominated or selected to serve as a member or as an alternate member of the Industry Committee, for any particular season, shall be an individual grower who produced, during the season immediately prior to the season for which the grower has been so nominated or selected, at least 51 percent of the grapes shipped by him during such prior season; or such person shall be an officer, employee, or agent of an organization which produced, during such prior season, at least 51 percent of the grapes shipped by such organization during such prior season; and any such person shall be an individual grower who, or an officer, employee, or agent of an organization which, produced grapes during such prior season in that particular election district in the Lodi District, or in the Florin District, as the case may be, for which he was nominated or selected as a member or as an alternate member of such committee.

§ 951.24 *Selection of successors to initial members of Industry Committee.* The Secretary shall select the successors to the initial members and alternate members of the Industry Committee, for each district; from the nominees elected by, or from among, the growers in such district; and such selection shall be upon

the basis of the representation provided for in § 951.20.

§ 951.25 *Failure to nominate.* In the event nominations for members and alternate members of the Industry Committee are not made, pursuant to § 951.22, on or before April 15 of the season for which such nominations should have been made, the Secretary may select the members and alternate members for such season without regard to nominations.

§ 951.26 *Qualification.* Each person selected as a member or an alternate member of the Industry Committee shall qualify by filing with the Secretary a written acceptance thereof before performing any of his duties under this subpart.

§ 951.27 *Terms of office.* The initial members and alternate members of the Industry Committee shall hold office for a term beginning on the date of their selection by the Secretary and ending March 31, 1941, or until their successors are selected and have qualified. Members and alternate members selected subsequent to the initial members and alternate members shall serve during the season for which they have been selected and until their successors are selected and have qualified.

§ 951.28 *Alternate members.* An alternate for a member shall, in the event of such member's absence from a meeting of the Industry Committee, act in the place and stead of such member, and, in the event of such member's removal, resignation, disqualification, or death, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

§ 951.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or an alternate member of the Industry Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member, a successor for the unexpired term of such person shall be nominated and selected in accordance with the provisions of this part, covering the nomination and selection of members and alternate members. If a successor for any such vacancy is not nominated within 20 days after such a vacancy occurs, the Secretary may select such successor, who shall have the same qualifications as his predecessor, without regard to nominations.

§ 951.30 *Compensation.* The members of the Industry Committee, and the alternate members of such committee, may be reimbursed for expenses necessarily incurred by them in attending meetings of the said committee and in performing services, necessary in connection with this part, at the request of such committee; and they may receive compensation in an amount not in excess of \$10.00 per day for attending each such meeting and for performing such services. The members of the Shippers' Advisory Committee, and the alternate members of such committee, may be reimbursed for expenses neces-

sarily incurred by them in attending meetings of the said committee.

§ 951.31 *Powers.* The Industry Committee shall have the following powers:

(a) To administer, as specifically provided in this part, the terms and provisions of this part;

(b) To make administrative rules and regulations in accordance with this part, and to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 951.32 *Duties.* The duties of the Industry Committee shall be as follows:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Industry Committee, which minutes, books, and records shall be subject at all times to examination by the Secretary;

(c) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to grapes, and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary;

(d) To furnish to the Secretary such available information as the Secretary requests;

(e) To perform such duties as may be assigned to it from time to time, by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (49 Stat. 774; 7 U. S. C. 612c) as amended;

(f) To cause the books of the Industry Committee to be audited by one or more competent accountants at least once each season and at such other times as the Industry Committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To select a chairman of the Industry Committee and such other officers as it may deem advisable;

(h) To defend all legal proceedings against any Industry Committee members (individually or as members) or any officers or employees of such committee, arising out of any act or omission made in good faith pursuant to the provisions of this part;

(i) To employ a confidential employee or employees who shall perform the services required of the confidential employee or employees by the provisions of this part; to employ such other employees as may be necessary, including a manager who shall, among other duties, act as the secretary of the Industry Committee, and such manager may be designated as confidential employee; to determine the salary and duties of such manager and other employees; to authorize, if the committee deems such to be necessary, the manager for and on behalf of the committee to employ temporarily, subject to such limitations and qualifications as may be

specified by the committee, such other persons as may be deemed necessary and to determine the respective salaries (which shall be reasonable and within the limitations of the budget and such other limitations as may be prescribed by the committee) and define the respective duties of such employees;

(j) To give the Secretary the same notice of meetings of the Industry Committee as is given to the members thereof;

(k) To submit to the Secretary for each season a budget of its expenses during such season;

(l) With the approval of the Secretary, to redefine the districts and election districts into which the production area has been divided in this part, or change the representation from any district or election district on the Industry Committee: *Provided*, That if any such changes are made, representation on such committee from the various districts shall be based, so far as practical, upon the proportionate quantity of grapes shipped from the respective districts during the two seasons immediately preceding the season during which such changes are made;

(m) To authorize, whenever the committee deems it advisable, an employee or employees of the committee to perform any ministerial duties of the committee, subject to the exceptions and limitations set forth in this part: *Provided*, That such authorization by the committee shall specify the employee or employees and state definitely the limitations of the authority thus vested in the respective employee or employees: *Provided, further* That the committee shall retain concurrent authority in connection with any such duties and shall not authorize any employee or employees to perform (1) the duties of the committee relating to the recommendations to the Secretary for the regulation of shipments pursuant to the provisions of this subpart; or (2) the duties or authority of the committee relating to the establishment of rules and regulations pursuant to the provisions and subject to the limitations set forth in this subpart;

(n) To establish such other committees or subcommittees to aid the Industry Committee in the performance of its duties under this part as the Industry Committee may deem it advisable; and

(o) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to the provisions of this subpart, to determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary: said policy report to contain, among other provisions, information relative to the estimated total production and shipments of grapes, by districts; the expected general quality and size of grapes; possible or expected demand conditions of different market outlets; supplies of competitive commodities; an appropriate analysis of the foregoing factors and conditions; and the type of regulation of shipments of grapes expected to be recommended.

§ 951.33 *Procedure.* (a) A quorum of the Industry Committee shall consist

of five members or alternates then serving in the place and stead of any members in attendance at the meeting, and all decisions of the Industry Committee shall require the affirmative vote of not less than five members.

(b) The Industry Committee may vote by mail, telephone or telegraph: *Provided*, That any action taken by the committee on a mail, telephone, or telegraph vote shall be by unanimous vote of all members of the committee or their appropriate alternates. Any vote by telephone or telegraph shall be confirmed in writing. At any assembled meeting, all votes shall be cast in person.

(c) The members of the Industry Committee, including successors and alternates, and any agent or employee appointed or employed by the Industry Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Industry Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 951.34 *Funds and property.* (a) All funds received by the Industry Committee pursuant to the provisions of this part shall be used solely for the purposes herein specified; and the Secretary may require the Industry Committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, or expiration of the term of office of any member of the Industry Committee, all books, records, funds, and other property in his possession or under his control as such member, which relate to the business of the said committee, shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the committee full title to such books, records, funds, and property.

§ 951.40 *Shippers' Advisory Committee.* (a) A Shippers' Advisory Committee, consisting of seven members who are individual persons selected by the handlers in accordance with the provisions of this subpart, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) Six members and six alternate members of the Shippers' Advisory Committee shall be elected by the handlers at a general meeting of all handlers, at which each handler shall have one vote for each member position and each alternate member position for which he is eligible to vote. Three of

such members shall be elected by, and from among, the five largest handlers (determined on the basis of the quantity of grapes shipped by the respective handler during the preceding season), or the employees or representatives of such handlers. Three alternate members for such members shall also be elected by such handlers. Three members and their alternates shall be elected by all other handlers. The seventh member of such committee and his alternate shall be elected jointly by the members of the Industry Committee and the other six members of the Shippers' Advisory Committee. The provisions of this paragraph shall first become effective for the election of members of the Shippers' Advisory Committee who are to serve during the season beginning April 1, 1953.

(c) Any individual person, other than a member or an alternate member of the Industry Committee, shall be eligible for membership on the Shippers' Advisory Committee.

(d) The initial meeting of handlers, at which members of the Shippers' Advisory Committee are to be elected, shall be called and conducted by the Secretary or his agent as soon as possible after the selection of initial members of the Industry Committee. Each handler who desires to vote at the said meeting for the election of members of such committee shall file with the Secretary or his agent an affidavit stating his shipments of grapes during the preceding season. Election meetings held subsequent to the initial meeting shall be called and conducted each season by the Industry Committee as much in advance of the shipping season as is practical; and each handler who desires to vote thereat shall file, with the Industry Committee, a statement of his shipments of grapes during the season immediately preceding the season during which such meeting is held.

(e) The Shippers' Advisory Committee may attend each meeting of the Industry Committee held to consider recommendations with respect to regulations of shipments of grapes pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the Industry Committee on matters relating to such recommendations, but shall have no vote with the Industry Committee in any matter.

EXPENSES AND ASSESSMENTS

§ 951.45 *Expenses.* The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Industry Committee during the then current season for its maintenance and functioning and for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 951.46.

§ 951.46 *Assessments.* Each handler who first ships grapes shall, with respect to each such shipment, pay to the Industry Committee, upon demand, such handler's pro rata share of the expenses

which the Secretary finds will be incurred, as aforesaid, by the committee during such season. Such handler's pro rata share of such expenses shall be that proportion thereof which the total quantity of grapes shipped by such handler as the first shipper thereof during such season is of the total quantity of grapes shipped by all handlers as the first shippers thereof during such period. The Secretary shall fix the rate of assessment to be paid by such handlers, which rate may be adjusted from time to time by the Secretary in order to cover any later finding by the Secretary of the estimated expenses or the actual expenses of the Industry Committee during such season. Any such handler who ships grapes for the account of a grower may deduct, from the account sales covering such shipment or shipments, the amount of assessments levied on such grapes.

§ 951.47 *Handler accounts.* (a) At the end of each season the Industry Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the Industry Committee.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

REGULATION BY GRADES AND SIZES

§ 951.50 *Recommendation of Industry Committee.* Whenever the Industry Committee deems it advisable to limit the shipment of grapes to particular grades and sizes, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

§ 951.51 *Establishment of regulation.* (a) Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes, produced in either or both districts, to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

§ 951.52 *Exemptions.* (a) The Industry Committee shall, subject to the

approval of the Secretary, adopt such procedural rules as are necessary to govern the issuance of exemption certificates under paragraph (b) of this section.

(b) In the event the Secretary issues a regulation pursuant to § 951.51, the Industry Committee shall issue an exemption certificate to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped in fresh fruit channels from a particular vineyard a percentage of his crop of grapes equal to (1) the average percentage of grapes, as determined by the committee, produced in and so shipped from his district during the preceding three seasons or (2) the average percentage of grapes produced in and so shipped from such vineyard during the preceding three seasons, whichever percentage is the greater. The certificate shall permit such grower to ship, or have shipped, in fresh fruit channels, a percentage of his crop of grapes from such vineyard equal to such greater percentage: *Provided*, That as to vineyards having an age of nine years or less, the committee shall each season establish, for the vineyards of each such age, the quantity of grapes, per acre, likely to be shipped from such vineyards during that season and the applicable quantity shall be used in lieu of the quantity of grapes determined by the committee pursuant to subparagraph (1) of this paragraph. In computing the aforesaid quantities that were shipped during the preceding three seasons, there shall be omitted the aggregate quantities of grapes shipped under exemption certificates.

(c) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary. *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information with respect thereto as the Secretary may request.

(e) Exemptions granted under the provisions of this section shall apply only as to regulations issued by the Secretary under § 951.51, and all shipments of grapes under exemption certificates, issued pursuant to this section, shall be subject to, and limited by, such regulations as may be effective under § 951.61 at the time of the respective shipment.

MINIMUM STANDARDS OF QUALITY AND MATURITY

§ 951.55 *Recommendation*. Whenever the Industry Committee deems it

advisable to establish and maintain in effect during any period minimum standards of quality or maturity, or both, governing the shipment of grapes pursuant to §§ 951.55 and 951.56, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (a) freedom of the grapes from material impairment of shipping quality; (b) freedom of the grapes from material impairment of edible quality; (c) freedom of the grapes from serious damage to appearance; (d) minimum maturity requirements; or (e) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and the committee shall also submit to the Secretary such other information as he may request. The committee shall give prompt notice to handlers and growers of any such recommendation.

§ 951.56 *Establishment*. Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or both, for grapes and to limit the shipment of grapes during any period to those meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, and so limit the shipment of such grapes. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and said committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of the handlers and growers.

INSPECTION AND CERTIFICATION

§ 951.58 *Inspection*. During any period in which shipments of grapes are regulated pursuant to §§ 951.50 through 951.56, each handler shall, prior to making each shipment of grapes, cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each such shipper shall submit or cause to be submitted to the Industry Committee a copy of the shipping point inspection certificate issued by the Federal-State Inspection Service showing the grade and size of the grapes contained in such shipment: *Provided*, That this provision shall not be applicable to a handler who ships grapes which have been so inspected and the copy of such inspection certificate has been submitted to the Industry Committee.

REGULATION BY VOLUME

§ 951.60 *Recommendation for volume regulation*. (a) Whenever the Industry Committee finds, after investigation of the factors enumerated in paragraph (b) of this section, that the supply of grapes available for shipment exceeds the demand therefor and that it is advisable to regulate the handling of grapes pursuant to the provisions of §§ 951.60 through 951.72, it shall so recommend to the Secretary. Each such

recommendation shall specify the period of time during which such regulation shall be effective and the respective total quantities of grapes which the committee deems advisable to be handled each allotment period during such period of time. The committee shall promptly report its findings and recommendations, together with supporting information, to the Secretary.

(b) In making each such recommendation, the Industry Committee shall give due consideration to the following factors: (1) Market prices for grapes; (2) supply, quality, and condition of grapes in the production area; (3) the supplies of all varieties of grapes on hand in, and en route to, the principal markets; (4) market prices and supplies of competitive fruits, including other varieties of grapes; (5) the probable daily shipments of grapes in the absence of regulation; (6) trend and level of consumer income; and (7) other relevant factors.

(c) The Industry Committee may, at any time, recommend to the Secretary that the quantity of grapes that may be handled during any such allotment period be increased or decreased, or that such regulation be terminated. Any such recommendation shall be supported by the reasons and information relied upon by the committee in making such recommendation.

(d) The Industry Committee shall give reasonable notice to growers and handlers of each meeting to consider recommendations for regulation, or for the modification or termination of regulation, pursuant to the provisions of this section. The committee shall also give prompt notice to growers and handlers of any such recommendation.

§ 951.61 *Issuance of volume regulation*. (a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that to limit the total quantity of grapes that may be handled during one or more allotment periods would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes. The Secretary may at any time increase or decrease the quantity of grapes which may be handled during an allotment period, or may terminate such regulation: *Provided*, That no decrease in the quantity of grapes which may be handled during an allotment period shall be made effective after the beginning of such allotment period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of each such regulation, and of each modification or termination thereof; and the committee shall give such notice thereof as may be reasonably calculated to bring such action to the attention of growers and handlers.

§ 951.62 *Allotments*. (a) Whenever the Secretary has fixed the total quantity of grapes that may be handled during an allotment period, the Industry Committee shall compute, for each person entitled thereto, the quantity of grapes which may be shipped by such person during such period. Such quantity shall be the allotment of such person and shall

be in an amount equal to the product obtained by multiplying:

(1) The quantity of grapes fixed by the Secretary as the total quantity of grapes that may be handled during such allotment period, or

(2) The quantity of grapes so fixed by the Secretary less the portion thereof for allocation as adjusted allotment pursuant to § 951.65,

whichever is applicable, by such person's allotment percentage, computed in accordance with § 951.64. The Industry Committee shall notify each such person of his allotment on the day immediately preceding the allotment period.

(b) No person shall ship grapes during any allotment period when grapes are regulated pursuant to § 951.61 unless such person has allotment or adjusted allotment, pursuant to §§ 951.62 through 951.72, to ship such grapes: *Provided*, That allotment shall not be required to deliver grapes to a refrigerated storage warehouse, for storage purposes, within the State of California.

§ 951.63 Application for allotment.

(a) Each person who proposes to ship grapes as the first handler thereof during any period in which grapes may be regulated pursuant to § 951.61 shall submit to the Industry Committee, at such time and in such manner as the committee may prescribe, a written application for allotment. Such application shall be substantiated in such manner and shall be supported by such information as the committee may require, including (1) an accurate description of the location of each vineyard, or portion thereof, from which grapes will be handled by the applicant during the current season; (2) the number of acres and the age of the vines in each such vineyard or portion thereof; (3) the name and address of the producer, or authorized agent, for each such vineyard or portion thereof; (4) the number of standard packages, or the equivalent thereof, of grapes from each such vineyard, or portion thereof, that were shipped during each of the two preceding seasons; and (5) information identical to that required in subparagraphs (1) through (4) of this paragraph with respect to all other vineyards or portions thereof from which the applicant shipped grapes during either or both of the two preceding seasons. If the applicant does not have the record of shipments of grapes from a particular vineyard or vineyards but can furnish the record for a group of vineyards of which such vineyard or vineyards are a part, he shall set forth such record in his application and the shipments from each such vineyard shall be considered to be equal to the product obtained by multiplying the number of acres contained in that vineyard by the average shipments per acre for such group.

(b) The Industry Committee shall check the accuracy of the information submitted pursuant to paragraph (a) of this section and of § 951.75. If the committee finds that there is an error, omission, or inaccuracy in such information, it shall correct the same and shall notify the applicant, giving the reasons therefor. Upon request, the applicant

shall be given an opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in a person receiving more or less allotment than that to which such person is entitled under the provisions of this subpart, such person's allotment shall be adjusted, over such period as may be determined by the committee, to the extent required to offset the error, omission, or inaccuracy.

§ 951.64 Allotment percentage. (a) The allotment percentage, of each applicant entitled thereto, for each allotment period shall be seventy-five percent of the percentage obtained by dividing the total grape shipments from such applicant's vineyards, as reported pursuant to § 951.63 (a) (1) through (4) by the total grape shipments during the preceding two years from vineyards of all applicants, plus twenty-five percent of the percentage obtained by dividing the total quantity of grapes packed by or for such applicant during the three days preceding the day which immediately precedes the allotment period by the total quantity of grapes packed by or for all applicants during such three-day period: *Provided*, That, with respect to the first allotment period each season, the percentage based upon grapes packed shall be computed by using the applicable quantities of grapes packed during the six days preceding the day which immediately precedes such allotment period.

(b) If a person gains or loses the right to ship grapes from a vineyard by reason of a grower's transfer of his grapes from one person to another, there shall be a corresponding increase or decrease in that portion of the respective person's allotment percentage which is based on previous shipments. The person gaining the right so to ship grapes may submit an application to the Industry Committee for such increase, accompanied by a verification of the transfer by the grower or the person losing the right to ship such grapes. Such increase and decrease shall not be effective for any allotment period unless such application is received by the committee at least two days prior to such period.

(c) An allotment percentage shall be computed for, and allotment issued to, a person only if such person has made application therefor in accordance with the provisions of this section.

§ 951.65 Adjustment of allotment. A portion of the total quantity of grapes fixed by the Secretary as the quantity of grapes that may be handled during an allotment period shall be allocated, as adjusted allotment, to handlers in accordance with the provisions of this section.

(a) Each season, prior to recommending regulation pursuant to § 951.60, the Industry Committee shall establish the quantity of grapes, per acre, which is likely to be shipped during the current season from mature vineyards and separate quantities for vineyards from nine years to one year of age, respectively. In establishing these quantities, the committee shall consider (1) the estimated production of grapes for the cur-

rent season; (2) the average number of standard packages of grapes, per acre, shipped from the production area during preceding seasons; (3) the estimated total acreage of grapes in the production area during the current and past seasons; (4) the acreage of grapes which have been thinned; (5) production records of mature vineyards and of vineyards from nine years to one year of age; and (6) other relevant factors.

(b) Adjusted allotment shall be allocated to handlers proposing to ship grapes, as first handlers thereof (1) from a vineyard from which grapes were not shipped during one or both of the two preceding seasons, (2) from a vineyard for which records of shipments during one or both of such seasons are not available, or (3) from a vineyard with less shipments per acre during one or both of such seasons than the quantity established by the Industry Committee in accordance with paragraph (a) of this section for vineyards of similar age. The amount of adjusted allotment so allocated to a handler shall be equal to the difference between the allotment to which such handler is entitled pursuant to the provisions of § 951.62 (a) (1) and the allotment to which such handler would be entitled pursuant to the provisions of said paragraph (a) (1) if the previous shipments from such vineyard were equal to the applicable quantity established by the committee in accordance with paragraph (a) of this section: *Provided*, That in no event shall such amount exceed the amount of adjusted allotment requested by such handler.

(c) Any handler entitled to adjusted allotment may apply to the Industry Committee, on forms prescribed by it, for such allotment. Such application shall be filed with the committee at least two days prior to the first allotment period for which he desires adjusted allotment and shall contain the following information: (1) The identity of each vineyard for which adjusted allotment is requested; (2) the allotment period, or periods, for which such allotment is requested; and (3) the quantity of adjusted allotment requested for each such period.

(d) Any handler, to whom adjusted allotment is allocated for a vineyard, who fails to pack, or have packed, grapes from such vineyard to the extent of at least fifty percent during the first such allotment period, and eighty percent during each subsequent allotment period, of the applicable adjusted allotment, in addition to that portion of his allotment that is based on previous shipments from such vineyard, shall have deducted from allotment issued to him during the next allotment period an amount equivalent to such adjusted allotment. In addition, such handler shall not be entitled to adjusted allotment with respect to such vineyard unless such handler again applies for adjusted allotment therefor as provided in paragraph (c) of this section. Any quantity of grapes packed from a vineyard during an allotment period in excess of the quantity required to be packed pursuant to this paragraph may be carried forward and used in subsequent allotment

periods to meet the packing requirements of this paragraph with respect to such vineyard.

§ 951.66 *Daily shipments during an allotment period.* A handler's daily allotment for any day of an allotment period shall be one-third of the total allotment (including adjusted allotment) issued to him for such allotment period; and a handler's shipments of grapes during any day of such period shall not exceed his daily allotment except by reason of allotment available as the result of the following: (a) An undershipment as provided in § 951.67; (b) an overshipment as provided in § 951.68; (c) an allotment loan as provided in § 951.69; (d) the repayment of allotment as provided in § 951.69.

§ 951.67 *Undershipments.* If, during any day within an allotment period, a handler ships grapes in an amount less than his daily allotment, he may ship during the remainder of such period, or during the allotment period beginning on the next day, a quantity of grapes equal to such undershipment: *Provided*, That the amount of undershipment which such handler may ship on any one day shall not exceed the equivalent of such percentage of the total allotment issued to him for the allotment period during which such undershipment occurred as shall be established by the Industry Committee, or 1,105 standard packages of grapes, whichever is the greater.

§ 951.68 *Overshipments.* During any day within an allotment period, a handler may ship, in addition to his daily allotment, a quantity of grapes equivalent to such percentage of the total allotment issued to him for such period as shall be established by the Industry Committee, or 1,105 standard packages of grapes, whichever is the greater: *Provided*, That overshipments during an allotment period shall be offset by undershipments during such period so that the net overshipment during such period shall not exceed the equivalent of 500 standard packages of grapes. Any such overshipment during an allotment period shall be deducted from the total allotment issued to such handler for the allotment period beginning on the next day.

§ 951.69 *Allotment loans.* (a) A person to whom allotment has been issued may lend such allotment to another person to whom allotment has also been issued. Such loans shall be confirmed to the Industry Committee by each such person within twenty-four hours after the loan agreement has been entered into; and each such agreement shall provide for the repayment of the loan during a specified allotment period of the current marketing season when shipments of grapes are regulated pursuant to § 951.61.

(b) An allotment may be loaned for use only during the allotment period for which such allotment is issued. Persons to whom allotment is repaid may use such allotments only during the allotment period in which the repayment is made.

(c) No allotment which is loaned may again be loaned by the borrower.

(d) The Industry Committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm such transactions immediately after the completion thereof by memorandum addressed to the respective persons, which memorandum shall satisfy the confirmation requirements of paragraph (a) of this section.

(e) Except as provided in this section and in § 951.71, allotments are not transferable.

§ 951.70 *Priority of allotment.* Shipments during an allotment period shall first be applied against allotment issued for such allotment period before being applied against allotment available by reason of an undershipment, allotment loan, or repayment of allotment, in that order.

§ 951.71 *Assignment of allotment.* In connection with each handling of grapes which requires allotment, each handler shall, except with respect to shipments by rail car, at the time of shipment issue to the consignee or purchaser or agent thereof, an assignment of allotment certificate covering each quantity of grapes so handled. Such assignment of allotment certificate shall be on the form, and distributed in the manner, prescribed by the Industry Committee and shall contain the following information: (a) Date of shipment; (b) name and address of consignee or purchaser; (c) number of standard packages of grapes or the equivalent thereof in weight; (d) destination of shipment; (e) the license number or numbers of the truck and trailer transporting such grapes from the handler's place of business; and (f) the name of the handler issuing the assignment certificate. Such assignment shall also contain a certification to the United States Department of Agriculture and to the Industry Committee as to the truthfulness of the information shown thereon.

§ 951.72 *Right of appeal.* If any grower or handler is dissatisfied with any action taken by the Industry Committee pursuant to §§ 951.60 through 951.72, such grower or handler may appeal to the Secretary. *Provided*, That such appeal shall be made promptly. Any such appeal shall be made by filing with the Industry Committee a written notice of appeal stating the grounds upon which the appeal is made. Thereupon, the Industry Committee shall review the action being contested and shall determine whether and to what extent its original action should be revised. If the committee affirms its original action, it shall promptly forward the notice of appeal to the Secretary together with all data and information applicable thereto. The Secretary may, upon an appeal made as aforesaid, affirm, modify, or reverse the action of the Industry Committee and such action by the Secretary shall be final.

MODIFICATION, SUSPENSION, OR TERMINATION

§ 951.73 *Modification, suspension, or termination.* Whenever the Industry

Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant to this subpart, it shall so recommend to the Secretary. If the Secretary finds upon the basis of such recommendation or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

REPORTS BY HANDLERS

§ 951.75 *Reports.* For the purpose of enabling the Industry Committee to perform its functions under this subpart, each handler shall furnish, or authorize any or all railroad, transportation, and cold storage agencies to furnish, to the confidential employees of the Industry Committee, complete information, in such form and at such times and substantiated in such manner as shall be prescribed by the Industry Committee, with regard to each shipment of grapes. Such information may include (a) a report of all grapes packed by or for such handler; (b) a report of each shipment outside the production area, except the delivery of grapes to a refrigerated storage warehouse for storage purposes within the State of California, which report shall include all grapes shipped from such storage and shall contain with respect to each such shipment the date and time of shipment, the name and address of the shipper, the car or truck license number, the number of standard packages of grapes or the billing weight thereof, the grade of such grapes, the name of the grower for whom such grapes are shipped, the place where the shipment originated, the destination and any diversion of the shipment made through any and all agencies; (c) a report of each delivery of grapes to a refrigerated storage warehouse, for storage purposes, within the State of California showing the name and address of the shipper, the location of the storage warehouse, and the number of standard packages of grapes or the billing weight thereof; (d) a report of each shipment made within the area of production showing the name and address of the shipper, the name and address of the consignee or purchaser, and the number of standard packages of grapes or the billing weight of the shipment; (e) a report by vineyards of all grapes packed from vineyards for which adjusted allotment was issued under the provisions of § 951.65; and (f) such other reports as the Industry Committee may require.

Such information may be compiled by the confidential employees and made available in summary form to all handlers and other interested persons who request a copy thereof: *Provided*, That such compilation or summary shall not reveal the identity of the individual furnishing the information. Such confidential employees shall not disclose, to any person other than the Secretary, any information that may be obtained pursuant to this section, except in the aforesaid manner.

EFFECTIVE TIME AND TERMINATION

§ 951.77 *Effective time.* The provisions of this subpart shall become effective August 20, 1940, and shall continue in force until terminated in one of the ways specified in § 951.78.

§ 951.78 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that any such provision obstructs or does not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any current marketing period whenever he finds that such termination is favored by a majority of the growers who, during such current marketing period, have been engaged in the production of grapes for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of grapes produced for market during such period; but such termination shall be effective only if notice thereof is given on or before April 1 of such current marketing period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 951.79 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the Industry Committee then functioning shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The trustees shall continue in such capacity until discharged by the Secretary: shall, from time to time, account for all receipts and disbursements, or deliver all funds and property on hand, together with all books and records of the Industry Committee and the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the committee or the trustees pursuant to this part.

(c) Any funds collected for expenses pursuant to the provisions of this sub-

part and held by such trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the trustees or such other person in the performance of their duties under this part, shall, as soon as practicable after the termination of this part, be returned to the handlers pro rata in proportion to their contributions made pursuant to § 951.46.

(d) Any person to whom funds, property or claims have been delivered by the Industry Committee or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the committee or upon the trustees.

MISCELLANEOUS

§ 951.85 *Compliance.* Except as otherwise specifically provided in this part, no handler shall ship grapes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship grapes except in conformity with the provisions of this part.

§ 951.86 *Right of the Secretary.* Any rules, regulations, or determinations of the Industry Committee which are submitted to the Secretary for his approval, pursuant to the provisions of this part, may be modified or changed by the Secretary prior to such approval, without further action thereon by the said committee.

§ 951.87 *Grapes not subject to regulation.* (a) Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to ship:

(1) Grapes in any quantity for consumption by a charitable institution;

(2) Grapes in any quantity for distribution for relief purposes;

(3) Grapes in any quantity for distribution by a relief agency;

(4) Grapes in commercial quantities for commercial conversion into by-products, including wine and juice;

(5) Grapes not in excess of such quantity as may be established by the Industry Committee, with the approval of the Secretary, as the minimum quantity below which shipments may be made without limitation; or

(6) Grapes in such types of shipments as may be established by the Industry Committee, with the approval of the Secretary, as the types of shipments which may be made without limitation.

(b) No assessment shall be levied on any grapes not subject to regulation under paragraph (a) of this section. The Industry Committee may, with the approval of the Secretary, prescribe such rules and regulations as it may deem necessary to prevent grapes so shipped from entering commercial fresh fruit channels of trade contrary to, or in violation of, this part.

§ 951.88 *Liability of Industry Committee members.* No member, alternate member, or employee of the Industry Committee shall be held liable, either in-

dividually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.

§ 951.89 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 951.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof, except with respect to acts done under and during the existence of this subpart.

§ 951.91 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 951.92 *Derogation.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 951.93 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the Industry Committee or by the Secretary.

§ 951.94 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the United States, or Secretary, or of any other person with respect to any such violation.

[F. R. Doc. 55-2102; Filed, Mar. 11, 1956; 8:52 a. m.]

[Lemon Reg. 580]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.687 *Lemon Regulation 580—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of Cal-

forma or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 9, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 13, 1955, and ending at 12:01 a. m., P. s. t., March 20, 1955, is hereby fixed as follows:

- (i) District 1: 7 carloads;
- (ii) District 2: 278 carloads;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 10, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-2132; Filed, Mar. 11, 1955;
8:56 a. m.]

[Docket No. AO-160-A-16]

PART 961—MILK IN THE PHILADELPHIA,
PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED,
REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on January 4, 5, 1955 upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 12, 1955, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on January 4, 5, 1955, a recommended decision having been issued on January 28, 1955, and a final decision having been issued on February 21, 1955. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon, and who during the determined representative period (December 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.40 (b) delete subparagraph (3) and substitute:

(3) For the period beginning March 12, 1955, and for the months of April, May and June, all in 1955, in the case

of milk skim milk or butterfat used in the manufacture of butter Cheddar cheese Baker's or any other cheese except cream or cottage cheese, evaporated milk nonfat dry milk, milk chocolate or in soup candy, bakery products or any other nondairy commercial food product, or dumped or disposed of as animal feed, less any milk butterfat, or equivalent of concentrated milk product received from a nonproducer plant, the value shall be adjusted downward at the rate applied to the total utilization during the month in such products, of 20 cents per hundredweight of such total quantity, or 5 cents per pound of butterfat in such total quantity, whichever results in the greater aggregate adjustment.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen Rev of Export Regs Amdt 23]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1- Section 371 23 *General License GHK; shipments of certain commodities to Hong Kong is amended by the addition of the following commodities:*

Commodity

Dept of Commerce Schedule B No	Commodity
068000	Leather belts and belting industrial bow
084700	Oil acid or red oil.
085808	Indedible animal greases and fats
105500	Paddy or rough rice
105710-105750	Milled rice.
209420	Rubber mats and matting
221000-222088	Oilseeds
314000	Woven belts and belting industrial
618210	Iron and steel wood screws
618231	Iron and steel bolts, screws nuts rivets and washers n e c not specially fabricated for particular machines or equipment.
618257	Iron and steel wire nails, staples and spikes, except wire boat spikes.
618271	Iron and steel nails, staples and spikes (other than wire) except boat spikes
619061	Picture cord only iron and steel except stainless steel
619063	Other wire products, n e c, not specially fabricated for particular machines and equipment, the except reinforcing; fasteners for paper milk bottle caps; grating with wire center, steel; metal mesh
619069	including wire locker baskets with hanger guide attachment assembly; wire-cloth sleeves; wire lusu lators for conveyor belting; wire inserts for upholstery webbing; wire nets finished; wire rope clamps; and helically coiled wire inserts.
769030	Ice making machines, n e c, and specially fabricated parts and accessories, n e c.
769510	Self-contained commercial type refrigerators and freezers n e c except blood, bone, and tissue bank freezers and deep freeze storage cabinets.
769910	Commercial type refrigerators and freezers (other than self-contained), n e c except refrigerating systems for trucks and railway cars
769930	Parts, n e c, specially fabricated for replacement only in air-conditioning and refrigeration equipment specified on this list under Schedule B Nos 765090 765510 and 765910
770800	Hand pumps, n e c, and windmill pumps
770970	Service station pumps only.
828000	Asphaltumene balls and flakes only in packages of 5 pounds or less.
828010	Artificial specialty compounds the following only: textile oil; and yarn conditioning liquids
828030	Synthetic essential oils.
828040	Hydrogen peroxide or dioxide 5 percent solution or less
837700	

* This amendment was published in Current Export Bulletin No 746 dated March 3 1955

2 Section 373 65 *Ultimate consignee and purchaser statements*, paragraph (a) Scope is amended in the following particulars:

Subdivision (ii) of subparagraph (3) *Multiple-transaction statement from ultimate consignee* and subdivision (i) of subparagraph (4) *Alternative for multiple-transaction statement* are amended respectively by the addition of a footnote symbol at the end of the subdivisions and a related footnote reading as follows:

Multiple transaction consignee and purchaser statements on file with the Bureau of Foreign Commerce on March 3 1955 or certifications as provided in § 373 65 (a) (4) which are valid and in accordance with the export control regulations are automatically extended from the date appearing in Item 4 of Form IT-843 or Item 3 of the certification until September 30, 1955 A supplemental statement must be submitted however disclosing any change of facts or intention, as provided in Item 13 of Form IT-843 or Items 4 and 5 of the certification

3 Section 382 51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Burgi-Tobler, K. & Co., Burgi Karl, s/a Karl Burgi-Tobler, Burgi Tobler, Anna Stampfenbachstrasse 69 Zurich, Switzerland	2-21-55	Until further notice	General and validated, all commodities any destination.	20 F. R. 1188 2-25-55
De Giacomo, Leonardo Via Zuretti, 6 Milan, Italy.	1-31-55	1-30-56	General and validated licenses, all commodities, any destination.	20 F. R. 776, 2-4-55,
Duime, Adolf, 31 Schellmuehle Bremen, Germany.	2-21-55	Until further notice	General-and validated, all commodities, any destination.	20 F. R. 1188, 2-25-55
Italian Nova, Works (Nova Werke Zuerich, Olginio E Rappresentanza Per L'Italia S. P. A.), Via Zuretti 5 Milan Italy.	1-31-55	7-30-55	General and validated licenses, all commodities any destination.	20 F. R. 776, 2-4-55
Leonelli, Alberto, Piazza della Repubblica 21, Milan, Italy.	1-31-55	1-30-56	do	20 F. R. 776, 2-4-55,
Sabardini, Antonio Via Ferdi nando di Savoia 2 Milan Italy	1-31-55	1-30-57	do	20 F. R. 776, 2-4-55,

b The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Actina Converting Corp., 171 Madison Ave New York N. Y.	8-16-54	2-16-55	General and validated licenses, all commodities, any destination, also exports to Canada	19 F. R. 5283, 8-19-54
Atlas Converting Co 17 Randall St, Providence, R. I	8-16-54	2-16-55	do	19 F. R. 5283 8-19-54
Chemische Fabrik Thiemann Str. 1-11, Berlin, Germany	10-23-54	2-28-55 (2-28-56)*	General and validated licenses, all commodities; also exports to Canada. (Related to Deutsche Novocillin, G m b H et al which see)	19 F. R. 7197 11-5-54
Funcke & Co, G. m b. H. Thiemann Str. 1-11 Berlin Germany.	10-23-54	2-28-55 (2-28-56)*	do	19 F. R. 7197, 11-5-54
Goldberg, Burton L., president and treasurer, Atlas Converting Co, 17 Randall St. Providence, R. I	8-16-54	2-16-55	General and validated licenses all commodities, any destination, also exports to Canada	19 F. R. 5283 8-19-54.
Goldberg, Herman P., 1112 Codrington Pl., Charlotte, N. C.	8-16-54	2-16-55	do	19 F. R. 5283 8-19-54
Smithline, Sol L, 223 Central Park West New York, N. Y	8-16-54	11-16-54 (2-16-55)*	do	19 F. R. 5283, 8-19-54

* This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (i) of this section.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
744420	Hydraulic and pneumatic presses, all types, including forging presses:	No.	TOOL	500	RO
744425	Hydraulic and pneumatic presses, equipped to manufacture arms, munitions, and implements of war. ²¹	No.	TOOL	500	RO
744710	Mechanical presses, power driven, all types:	No.	TOOL	500	RO
	Mechanical presses, equipped to manufacture arms, munitions, and implements of war. ²²	No.	TOOL	500	RO
	Forging machines and hammers, except hydraulic forging presses:	No.	TOOL	100	RO
	Bomb nose and tail forging machines (formerly 744700). (1) ¹⁹	No.	TOOL	100	RO
766970	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c., (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name):	-----	GIEQ 13	500	R
	Other industrial process indicating, recording and/or controlling instruments, and specially fabricated parts, n. e. c. (4) ¹	-----	GIEQ 13	500	R

¹The GLV dollar-value is increased.

²¹The letter "A" is deleted in the column headed "Commodity Lists" indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).

²²The letter "B" is added in the column headed "Commodity Lists" indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from Time Limit licensing procedure (see Part 377 of this subchapter).

¹⁹The commodity description is revised without substantive change.

¹⁸The unit of quantity is changed.

¹⁷The requirement to specify type and model of machine tool for which parts are fabricated is added.

¹⁶The requirement to specify type and model of machine tool with which accessories and attachments are to be used is added.

¹⁵Hydraulic presses equipped to manufacture arms, munitions, and implements of war, are presently included in the second and third entries under Schedule B No. 744420. Effective March 10, 1955, the controls are extended from R to RO, and effective April 18, 1955, they are subject to IC/DV procedure (see § 373.2 of this subchapter). Effective March 10, 1955, pneumatic presses equipped to manufacture the aforementioned items are added.

¹⁴Controls are extended from R to RO on mechanical presses with rated capacity of 1,000 tons or less, equipped to manufacture arms, munitions and implements of war, effective March 10, 1955, and these commodities are subject to the IC/DV procedure (see § 373.2 of this subchapter), effective April 18, 1955.

This part of the amendment shall become effective as of March 3, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 10, 1955, may be exported under the previous general license provisions up to and including April 2, 1955. Any such shipment not laden aboard the exporting carrier on or before April 2, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director

Bureau of Foreign Commerce.

[F. R. Doc. 55-2052; Filed, Mar. 11, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D.-53747]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

STORAGE OF UNCLAIMED MERCHANDISE; MANIFESTS

Section 20.1 (a) Customs Regulations, relating in part to storage of unclaimed

merchandise, amended. Treasury Decision 53538, amending § 5.1 (b) of the Customs Regulations, relating to manifests, amended.

1. From time to time collectors of customs have been authorized to permit the storage of merchandise in an unclaimed (general order) status in the importer's class 2 bonded warehouse, used exclusively for the storage of merchandise belonging or consigned to the proprietor, while such merchandise is awaiting the filing of consumption or warehouse entries therefor. To provide general authority under which a collector may designate a class 2 bonded warehouse for such storage, § 20.1 (a) of the Customs Regulations is amended by inserting "2," after the word "class"

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 490, 46 Stat. 726; 19 U. S. C. 1490)

2. The sentence in § 5.1 (b) of the customs regulations which was intended to be deleted by Treasury Decision 53538, approved February 5, 1954 (19 F. R. 4631) reads as follows: "In all other cases the manifest shall be on customs Form 7533." Treasury Decision 53538 is amended accordingly.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: March 7, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-2091; Filed, Mar. 11, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 55-6]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

ADVANCE NOTICE OF VESSEL'S TIME OF ARRIVAL TO CAPTAIN OF THE PORT, U. S. COAST GUARD

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activity and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and water, continental or insular, subject to the jurisdiction of the United States, exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F. R. 7007 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States. The purpose for adding a new part designated 33 CFR Part 124 is to implement the requirements in 33 CFR 6.04-8 of the Executive Order 10173 and to require the master or agents of every domestic and foreign vessel arriving in any United States port, except Great Lakes' ports, to give an advance notice of at least 24 hours of the actual scheduled time of arrival for the vessel to the local Captain of the Port. This notice must be sent in advance so that the local Captain of the Port may make such arrangements as he may consider necessary for visitation and search, or to take possession or control of the vessel, in carrying out the responsibilities of enforcement of Executive Order 10173, as amended. A list of the offices of Coast Guard District Commanders and Captains of the Port, their addresses, and their geographical jurisdiction in each case, is being published in the FEDERAL REGISTER this date.¹

Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.04-8 in Executive Order 10173, at the earliest practicable date and because of the national emergency declared by the President, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements

¹ See Department of the Treasury, United States Coast Guard, Notices section, *infra*.

is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, by Executive Orders 10277 and 10352, the following amendments are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. Subchapter K is amended by adding a new Part 124 reading as follows:

Sec.

124.01 General.

124.10 Advance notice of vessel's time of arrival to Captain of the Port.

AUTHORITY: §§ 124.01 and 124.10 issued under sec. 1, 40 Stat. 220, as amended; 50 U. S. C. 191; E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp.; E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR, 1951 Supp.; E. O. 10352, May 19, 1952, 17 F. R. 4607, 3 CFR, 1952 Supp.

§ 124.01 *General.* The regulations in this part implement the general enforcement provisions in Executive Order 10173, as amended, and designated §§ 6.04-1 to 6.04-11 of this chapter.

§ 124.10 *Advance notice of vessel's time of arrival to Captain of the Port.*

(a) The master or agents of every vessel (foreign and domestic) shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of

the Port where the vessel is to arrive. The master or agents of every foreign vessel, as well as every documented vessel of the United States, destined from one port or place to another port or place shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of the Port where the vessel is to arrive. For such foreign and domestic vessels, this 24 hours' advance notice of time of arrival is applicable at every port of call. In any case where the port of arrival is not located within the geographical area assigned to a particular Captain of the Port, this advance notice of time of arrival shall be made to the Commander of the Coast Guard District in which such a port or place is located. In a case of force majeure, if it is not possible to give at least a 24 hours' advance notice of time of arrival, then an advance notice as early as practicable shall be furnished.

(b) The master or agents of a vessel engaged upon a scheduled route need not furnish the advance notice of arrival in individual instances if a copy of the schedule is filed with the Captain of the Port for each port of call named in the schedule and the times of arrival at each such port are adhered to.

(c) Failure to give advance notice will subject the master or agents of a vessel

to the penalties of fine and imprisonment, as well as subject the vessel to seizure and forfeiture, as provided in section 2, title II of the act of June 15, 1917, as amended, 50 U. S. C. 192. In addition, such failure may result in delay in the movement of the vessel from the harbor entrance to her facility destination within the particular port.

(d) The requirements of this section do not apply to the following:

(1) Vessels navigating the Great Lakes and their connecting and tributary waters;

(2) Vessels which, during the course of their voyages, do not navigate any portion of the high seas; and

(3) Vessels which are numbered by the Coast Guard.

(e) The term "high seas" as used in this section, shall be construed to mean any portion of the open sea below the low water mark along the coasts and projections of the land across the entrances of bays, sounds and other bodies of water which join the open sea.

Dated: February 9, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 55-2099; Filed, Mar. 11, 1955;
8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

17 CFR Part 924.1

[Docket No. AO 225-A6]

MILK IN DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Park-Shelton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., March 22, 1955, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area (7 CFR 924.0 et seq.) The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Detroit, Michigan, marketing area have been proposed as follows:

By Bodker Dairy Company:

1. In § 924.6 (b) insert after the words "Port Huron" the following words: "or of Wayne County, or is approved by the Michigan State Department of Agriculture."

By Michigan Milk Producers' Association:

2. Delete § 924.6 (b) and (c) and substitute the following:

(b) A person who operates a plant other than described in paragraph (a) of this section, which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, which is not equipped to manufacture any dairy product and is not located adjacent to any plant so equipped, and from which not less than 80 per cent of the producer milk receipts are moved to a plant defined as in paragraph (a) of this section or disposed of as Class I milk in all months except April, May and June.

(c) A person who operates a plant other than one described in paragraphs (a) and (b) of this section, which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area and complies with paragraph (e) of this section.

(d) A cooperative association with respect to milk customarily received by a handler, as described under paragraphs (a), (b) or (c) of this section, which is

diverted to a person not a handler for the account of the Association.

(e) A person shall not be considered a handler as provided in paragraph (c) of this section unless the following requirements are met:

(1) Except persons who were handlers on September 30 of any year, a quantity of milk not less than 50 percent of its dairy farm supply must be moved from the plant operated to a plant described in paragraph (a) of this section in each of the next months of October, November, December and January. *Provided*, That the operator of such plant shall not first qualify as a handler with respect to such plant until the second month of such movement.

(2) If requested by a handler, as defined in paragraph (a) or (b) of this section, a quantity of milk must be moved during each month from the plant operated, to a plant as described in paragraph (a) of this section equal to the percentage of producers milk received for the month, announced by the Market Administrator on or before the date provided for the announcement of the uniform price for the previous month. The percentage announced by the Market Administrator shall be the percentage of milk received from producers at plants described in paragraph (c) of this section estimated to be necessary, in addition to milk received from producers at plants described in paragraphs (a) and (b) of this section to meet Class I requirements, for the month, of handlers as defined in paragraph (a) of this section.

By Michigan Jersey Cattle Club and Michigan Guernsey Breeders' Association:

3. Amend § 924.41 to classify all skim milk and milk fat disposed of in fluid form for consumption as sweet or sour cream or any mixture of cream or milk containing more than 6 percent of milk fat as Class I.

By the Borden Company:

4. That Inventory Variations be classified as Class II instead of Class I.

By Michigan Milk Producers' Association:

5 a. Amend § 924.41 (a) by inserting the words "Half and Half" following the words "flavored milk"

b. Amend § 924.41 (b) by deleting "10 percent" and substituting "18 percent" in its place.

6. Amend § 924.43 (b) (2) by deleting the entire paragraph and substituting the following:

(2) The operator of such plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, after first allocating milk or skim milk so moved to any Class I utilization in such plant, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

7. Delete § 924.51 (b) and substitute the following:

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the Market Administrator and for the month in which the computation is made the Class I price shall be decreased 10 cents if such percentage is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 10 cents if such percentage is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 10 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	Percentages:
January	126.5
February	128.3
March	135.1
April	144.0
May	159.1
June	162.9
July	149.0
August	146.1
September	135.1
October	126.9
November	122.5
December	127.5

Provided, That such increase or decreases shall not exceed 20 cents.

By Michigan Producers Dairy Company:

8. To maintain the Class I price differential of \$1.43 during the base forming months of August through December.

Amend § 924.51 as follows: Insert following (b) "For the months of January through July only"

By Detroit Creamery Company:

9. Amend § 924.51 (b) by inserting the following phrase after the words "total Class I utilization" "exclusive of sales to nonhandlers and inventory variations."

By Michigan Milk Producers' Association:

10. Consider adjustments to the level of Class II prices as provided for in § 924.52.

By Michigan Jersey Cattle Club and Michigan Guernsey Breeders' Association:

11. Amend § 924.53 to establish specific differential values for each one-tenth percent change in milk fat per hundredweight that handlers will be charged for milk fat used as Class I and Class II.

12. Amend §§ 924.60, 924.61, and 924.62 and any other sections necessary to provide a calculation of costs to handlers and payment to producers on an individual handler pool basis.

By Michigan Producers Dairy Company and Dairyland Cooperative Creamery Company:

13. To provide that producers shall receive the manufacturing milk price (Class II price) for milk delivered in excess of base regardless of the location at which the milk is delivered by not applying the producer location differential to excess milk.

Amend § 924.63 to read as follows: "For each month the excess milk price shall be the Class II price determined pursuant to § 924.52."

By Michigan Producers' Association:

14. Delete § 924.71 (b) (2) and substitute the following:

(2) Bases may be held jointly, and if such joint holding is terminated the base may be divided among the joint holders as specified in writing by them to the Market Administrator.

By Dairyland Cooperative Creamery Company and Michigan Producers Dairy Company:

15. Amend § 924.81 as follows: Insert following phrase "with respect to all milk" the following: "except excess milk."

By Michigan Jersey Cattle Club and Michigan Guernsey Breeders' Association:

16. Amend § 924.82 to establish a differential value to producers for each one-tenth percent change in milk fat per hundredweight by using a weighted average of differentials established in § 924.53.

By the Borden Company:

17. That a stipulation be incorporated in the order to cause a handler under another Federal order, who sells milk in this market to be charged the higher Class I price of the two market prices.

By Warner Dairy:

18. Inclusion of a location differential for Class I milk to those handlers not only thirty-four miles distance from the perimeter of the marketing area, but also those handlers within thirty-four miles of the City Hall, Detroit, Michigan,

because of encroachment by out-area dealers upon fringe area handlers whose price is fixed under the Federal order.

19. Re-classification of skim milk from Class I, and payment for skim milk in Class II, due to mounting sales of powdered milk.

By the Dairy Branch:

20. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Issued at Washington, D. C., this 8th day of March 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-2077; Filed, Mar. 11, 1955; 8:46 a. m.]

17 CFR Part 982 I

[Docket No. AO 238-A4]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Abilene, Texas, on February 9, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER on February 5, 1955 (20 F. R. 795).

The material issues of record are concerned with:

1. A decrease in the price of milk used in the production of Cheddar cheese;
2. The need for immediate action by the Secretary with respect to Issue No. 1, and

3. A compensatory payment on other source milk allocated to Class I during the months of January through June.

Findings and conclusions. The following findings and conclusions on issues numbered 1 and 2 are based upon the evidence introduced at the hearing and the record thereof. Emergency action is recommended on Issue No. 1. Findings and conclusions relating to Issue No. 3 will be recommended in a separate decision to be issued at a later date.

1. Handlers should be allowed a credit on Class II milk used in the production of Cheddar cheese. This credit per hundredweight of milk should be the difference between the Class II price for milk containing 4 percent butterfat and the price obtained by multiplying by 8.2 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f. o. b. Wisconsin

assembly points, cars or truckloads) as reported by the United States Department of Agriculture during the month.

Facilities for the handling and utilization of milk not needed for Class I purposes are extremely limited in the Central West Texas marketing area. A few handlers maintain facilities for ice cream manufacture but the operations of most handlers are limited to the processing and packaging of Class I products. Receipts of milk from producers at various plants currently exceed the plants' needs, and the operators of such plants must either dispose of the surplus milk to two local cheese plants or discontinue receiving some producer milk. In those instances in which handlers have cut off producers, the producer cooperative association has usually been able to divert the milk from such producers to the cheese plants.

Seasonal reserve milk may be transferred or diverted to the two cheese plants only to a limited degree. These plants, both of which manufacture Cheddar cheese almost exclusively, are located at Ballinger and Stephenville, Texas. The operator at the plant at Ballinger stated that he could handle up to 70,000 pounds of milk daily at his plant. The amount of milk which he would be able to receive during the heavy production season from Central West Texas handlers, however, would depend on, among other factors, the quantity and regular delivery of such milk during the coming flush production period and on the quantity he was obligated to accept during the same period from other areas. The plant at Stephenville has in the past received only comparatively small quantities of surplus milk from Central West Texas handlers and there is no indication that it will accept larger quantities this year. These cheese factories are the only reasonably available outlets for most of the seasonal reserve milk for Central West Texas producers. A plant at Muenster, Texas, operated by the North Texas Milk Producers Association may afford an outlet for some reserve milk from the northeastern portion of the Central West Texas supply area. However, due to the greater charge for moving milk the longer distance and the necessity for assembling reserve milk for tank truck movement to this plant, it is generally impracticable to utilize this outlet. Moreover, the testimony indicated that the full facilities of the Muenster plant will be needed to handle seasonal reserve supplies from the North Texas marketing area.

Prices paid to handlers and to the cooperative association for milk transferred or diverted for Cheddar cheese manufacture are significantly less than the order Class II price. In January 1955, a total of 230,000 pounds of milk was transferred or diverted to the Dairy Gold Creamery at Ballinger by order handlers. The price paid f. o. b. the cheese plant for this milk on a 4 percent butterfat basis was \$2.70 per hundredweight, and the Class II price under the order for the same month was \$3.35. The hundredweight price on a 4 percent butterfat basis for the 34,000 pounds

of milk moved from handlers' plants in January 1955 to the Triangle Cheese Company at Stephenville was \$2.80. The net difference between the total amount received by handlers for the milk moved to Ballinger and Stephenville during January and the Class II price value for such milk is \$1,682.00. This difference represents the direct loss incurred and does not include such expenses as receiving and cooling the milk and the payment of the administrative expense on such milk.

The months of March through June are months of heavy production for the Central West Texas market and months during which the handling and disposition of surplus milk are burdensome. In the spring months of 1953 and 1954, provision was made in the order for the special pricing of producer milk utilized in the production of Cheddar cheese. During 1954, a total of 5.6 million pounds of milk was paid for at this special price and during 1953, 3.5 million pounds.

Testimony at the hearing indicated that the surplus milk on the market during the flush production months of this year will be equal to or exceed that of a year ago. Such relief as was granted in the spring months of 1953 and 1954 is fully, if not more, necessary this year. Without some allowance in the pricing of the surplus milk moving to cheese plants the financial condition of the producer association could be seriously impaired. It would be forced to market a disproportionate share of the surplus milk in the market and bear alone the heavy losses which would be incurred in the sale of such milk for Cheddar cheese manufacture. On the other hand, if the producer association does not accept the responsibility for handling seasonal reserve milk, individual producers would be without a market for their milk. Such producers, although needed during the remainder of the year, would be forced to withdraw from the market.

During January 1955, producer receipts for the market in the aggregate approximated the total Class I sales for the market. Because of difficulties of allocating milk among widely scattered plants in the marketing area some handlers were required to obtain other source milk for Class I purposes. At the same time, other handlers had turned off producers or had turned back producer milk to the cooperative association. The cooperative had not been successful in its efforts to move this milk to handlers elsewhere in the market who needed it for Class I purposes. At the time of the hearing, one handler was turning back a load of approximately 5300 pounds each week to the cooperative and another handler was turning back 25 cans daily. The cooperative had in turn been required to divert such milk to a cheese factory at a considerable loss. Other handlers in the market have continued to receive all the milk from producers who regularly supply them even though it has resulted in their transferring substantial quantities to cheese factories at significant monetary losses. It is desirable that this latter group of handlers continue to receive this milk. However, unless relief is granted them in the form of a lower price for this dis-

tressed milk it is expected that such milk will be turned back to the cooperative which would be forced to incur substantial losses in moving it to manufacturing outlets.

Most of the milk in the market disposed of for Cheddar cheese manufacture during the past several years (and currently) was sold to the Dairy Gold Creamery in Ballinger, Texas. The operator of that plant testified at the hearing that the price which he pays per hundredweight of 4 percent milk is generally 8.5 times the average of the quotation for Cheddar cheese on the Plymouth (Wisconsin) Exchange. This price for January 1955 was \$2.70. As herein proposed the price to handlers for milk used in the manufacture of Cheddar cheese would be the Wisconsin Primary quotations times 8.2. Prices paid on the Wisconsin Primary markets are recommended as a more suitable factor than Plymouth Exchange quotations since they represent a greater number of transactions and are more widely accepted for use in price determinations. The price resulting from this quotation times 8.2 (\$2.71 for January 1955) will generally approximate the price paid by the Dairy Gold Creamery, which is the price which may be obtained for surplus milk for Cheddar cheese manufacture in the Central West Texas marketing area.

Because of the deficit nature of this market and the need for providing maximum incentive for optimum allocation of milk among handlers the credit on Class II milk used in the production of Cheddar cheese, as recommended herein, should be limited to the period from the effective date hereof through June 1955.

Where milk is transferred or diverted to an unapproved plant the use of such milk should be considered to have been established at the unapproved plant if an equivalent amount of milk was used at such plant during the month in the production of Cheddar cheese. Similarly, in order for a handler to receive a credit on milk disposed of to a cheese plant he must establish that an equivalent quantity of producer milk was available for and allocated to Class II milk during the month.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would make such relief ineffective.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the

action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the Central West Texas marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order as amended. Annexed hereto and made a

part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central West Texas Marketing Area" and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Central West Texas Marketing Area" which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of March 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 982.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence intro-

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

duced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Replace the period at the end of § 982.70 with a colon and add the following: "And provided further, That from the effective date hereof through June 1955 there shall be deducted for each hundred pounds of producer milk which was allocated to Class II pursuant to § 982.46 and which was either used in the production of Cheddar cheese or assigned to such product pursuant to § 982.44 the difference between the Class II price for milk containing 4 percent butterfat and the price obtained by multiplying by 8.2 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ('Cheddars' f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month."

2. Delete that portion of § 982.73 (a) which precedes subparagraph (2) thereof and substitute therefor the following: "(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by (1) multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content, deducting therefrom the total amount of the deductions made for the month pursuant to the second proviso in § 982.70, and"

[F. R. Doc. 55-2103; Filed, Mar. 11, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

(CGFR 55-7)

ADDRESSES AND DESCRIPTIONS OF COAST GUARD DISTRICTS, ALSO CAPTAIN OF THE PORT OFFICES AND PORT AREAS

For the information of those affected by requirements in 33 CFR Part 124¹ to file advance notice of time of arrival with the local Captain of the Port or the Coast Guard District Commander, the following addresses and descriptions of Coast Guard Districts, as well as Captain of the Port Offices and port areas are published:

COAST GUARD DISTRICTS

First District. The First Coast Guard District, with district office at 1400 Custom House, Boston 9, Mass., shall comprise: Maine; New Hampshire; Vermont, except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts; Rhode Island; all United States naval reservations on shore in Newfoundland.

Second District. The Second Coast Guard District with district office at Eighth and Olive Streets, St. Louis 1, Mo., shall comprise: West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, Missouri, Pennsylvania south of latitude 41° N. and west of longitude 79° W., those parts of Ohio and Indiana south of latitude 41° N., Illinois, except that part north of latitude 41° N. and east of longitude 90° W., Wisconsin south of latitude 46°20' N. and west of longitude 90° W., Minnesota south of latitude 46°20' N., and those parts of Arkansas, Mississippi, and Alabama north of latitude 34° N.

Third District. The Third Coast Guard District, with district office at 80 Lafayette Street, New York 13, N. Y., shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut; New York, except that part north of latitude 42° N. and west of longitude 74°39' W., New Jersey; Pennsylvania east of longitude 79° W., Delaware, including Fenwick Island.

Fifth District. The Fifth Coast Guard District, with district office at U. S. Post Office and Court House, P. O. Box 540, Norfolk 1, Va., shall comprise: Maryland, Virginia, District of Columbia, and North Carolina.

Seventh District. The Seventh Coast Guard District with district office at 150 Southeast Third Avenue, Miami 32, Fla., shall comprise: South Carolina and Georgia; Florida, except that part west of the Apalachicola River; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and Virgin Islands; and all United States naval reservations in the islands of the West Indies and on the north coast of South America.

Eighth District. The Eighth Coast Guard District, with district office at 328 Custom House, New Orleans 16, La., shall comprise: New Mexico, Texas, and Louisiana, those parts of Alabama, Mississippi, and Arkansas south of latitude 34° N., and that part of Florida west of the Apalachicola River.

Ninth District. The Ninth Coast Guard District, with district office at 1700 Keith Building, Cleveland 15, Ohio, shall comprise: Michigan; New York north of latitude 42° N. and west of longitude 74°39' W., Pennsylvania north of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana north of latitude 41° N., Illinois north of latitude 41° N. and east of longitude 90° W., Wisconsin, except that part south of latitude 46°20' N. and west of longitude 90° W., and Minnesota north of latitude 46°20' N.

Eleventh District. The Eleventh Coast Guard District, with district office at 706 Times Building, Long Beach 2, Calif., shall comprise: Arizona; Clark County in Nevada, and the southern part of California comprising the counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof.

Twelfth District. The Twelfth Coast Guard District, with district office at 630 Sansome Street, San Francisco 26, Calif., shall comprise: Utah, Nevada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare and Inyo, and all counties north thereof.

Thirteenth District. The Thirteenth Coast Guard District, with district office at 618 Second Avenue, Seattle 4, Wash., shall comprise: Washington, Oregon, Idaho, and Montana.

Fourteenth District. The Fourteenth Coast Guard District, with district office at Fort Armstrong, Honolulu, T. H., shall comprise: Territory of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.

Seventeenth District. The Seventeenth Coast Guard District, with district office at Community Building, P. O. Box 2631, Juneau, Territory of Alaska, shall comprise the Territory of Alaska.

CAPTAIN OF THE PORT OFFICES AND PORT AREAS

First Coast Guard District. Captain of the Port Office, 427 Commercial Street, Boston 13, Mass. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 70°50'00" W meridian, on the south the 42°13'00" N. parallel, on the west the 71°05'00" W meridian, and on the north the 42°25'00" N. parallel.

Captain of the Port Office, 409 Federal Building, Providence 3, R. I. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Judith, R. I., Light in an easterly direction to the southern tip of Sakonnet Point, R. I., thence

in a north-northeasterly direction to 41°45'00" N., 71°07'40" W., thence westerly to 41°45'00" N., 71°20'00" W., thence in a north-northwesterly direction to 41°48'00" N., 71°22'00" W., thence northerly to 41°53'00" N., 71°22'00" W., thence westerly to 41°53'00" N., 71°29'00" W., thence southerly to Point Judith Light.

Captain of the Port Office, 259 High Street, South Portland 7, Maine. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Elizabeth Light in a northeasterly direction to Halfway Rock Light, thence north to 43°50'00" N., 70°02'15" W., in Maquoit Bay, thence west to 43°50'00" N., 70°19'00" W., thence south to 43°34'00" N., thence easterly to Cape Elizabeth Light.

Second Coast Guard District. Captain of the Port Office, 425-427 New Post Office Building, Cairo, Ill. All navigable waters of the United States and contiguous land areas of the Upper Mississippi River from Mile 0.0 to Mile 7.0, and of the Ohio River from Mile 977.0 to Mile 981.0.

Captain of the Port Office, 748 Federal Building, Cincinnati 2, Ohio. All navigable waters of the United States and contiguous land areas of the Ohio River from Mile 466.0 to Mile 474.0.

Captain of the Port Office, 339 Post Office and Court House Building, Dubuque, Iowa. All navigable waters of the United States and contiguous land areas of the Upper Mississippi River from Mile 579.0 to Mile 584.0.

Captain of the Port Office, 307 Federal Building, Fifth Avenue and Ninth Street, Huntington, W. Va. All navigable waters of the United States and contiguous land areas of the Ohio River from Mile 304.0 to Mile 324.0.

Captain of the Port Office, 606 Federal Building, Louisville 2, Ky. All navigable waters of the United States and contiguous land areas of the Ohio River from Mile 601.0 to Mile 611.0.

Captain of the Port Office, 426 Falls Building, Memphis 3, Tenn. All navigable waters of the United States and contiguous land areas of the Lower Mississippi River from Mile 731.0 to Mile 733.0, and of the Tennessee Chute, and of Wolf River from Mile 0.0 to Mile 4.0.

Captain of the Port Office, 670 Court House, 801 Broadway, Nashville 3, Tenn. All navigable waters of the United States and contiguous land areas of the Cumberland River from Mile 182.0 to Mile 194.0.

Captain of the Port Office, 1215 Park Building, Pittsburgh 22, Pa. All navigable waters of the United States and contiguous land areas of the Ohio River from Mile 0.0 to Mile 19.0, of the Allegheny River from Mile 0.0 to Mile 9.0, of the Monongahela River from Mile 0.0 to Mile 20.0, and of the Youghiogheny River from Mile 0.0 to Mile 3.0.

Captain of the Port Office, 216 Old Custom House, St. Louis 1, Mo. All navigable waters of the United States and contiguous land areas of the Upper

¹ See Title 33, Chapter I, Part 124, *supra*.

Mississippi River from Mile 168.0 to Mile 205.0.

Third Coast Guard District. Captain of the Port Office, c/o C. G. Mooring, New London, Conn. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 72°04'30" W meridian, on the south a line extending through New London Harbor Light and Eastern Point, on the west the 72°06'30" W meridian, and on the north the parallel extending through Ice House Light.

Captain of the Port Office, Pier 9, East River, New York 4, N. Y. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Navesink South Tower through Ambrose Lightship to the 73°39'00" W meridian, 40°35'00" N. parallel; thence due north to the 41°00'00" N. parallel; thence due west to the 74°10'00" W meridian; thence southwesterly to a point located at 40°30'00" N., 74°30'00" W., thence due south to the 40°23'48" N. parallel; thence due east to Navesink South Tower.

Captain of the Port Office, 1006 U. S. Custom House, Second and Chestnut Streets, Philadelphia 7, Pa. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Hereford Inlet Light to the south tower at Indian River Inlet; thence northwesterly to a point on the Delaware-Maryland boundary at 39°20'00" N., thence northerly along Delaware-Maryland boundary to a point at 39°35'00" N., thence northeasterly to a point at 40°20'00" N., 74°50'00" W., thence east to the 74°40'00" W meridian; thence south to the 40°07'30" N., parallel; thence southwesterly to a point at 39°35'00" N., 75°20'00" W., thence southeasterly to a point at 39°20'00" N., 74°55'00" W., thence south-southeasterly to Hereford Inlet Light.

Fifth Coast Guard District. Captain of the Port Office, 303 Appraisers Stores Building, Baltimore 2, Md. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 76°15'00" W meridian; on the south the 38°53'30" N. parallel, on the west the 76°40'00" W meridian and on the north the 39°18'00" N. parallel.

Captain of the Port Office, % Coast Guard Group Office, P. O. Box 4557, Berkley Station, Norfolk 6, Va. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Charles Light in a south-southwesterly direction to a point located at 36°45'00" N., 76°00'00" W., thence west to 76°49'00" W., thence north to 37°15'00" N., thence in an easterly direction to Cape Charles Light.

Seventh Coast Guard District. Captain of the Port Office, 196 Tradd Street, Charleston, S. C. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 32°57'00" N., 80°00'00" W., east to 79°52'00" W meridian; thence south-easterly to a point at 32°45'00" N.,

79°45'00" W thence southwesterly to a point at 32°41'00" N., 79°49'00" W., thence northwesterly to a point at 32°45'00" N., 80°00'00" W., thence north to the point of beginning.

Captain of the Port Office, P. O. Box 3701, Station FJ, Jacksonville, Fla. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 30°45'00" N., 81°48'00" W., east to the 81°22'00" W meridian; thence south-southeasterly to a point at 29°51'00" N., 81°15'00" W., thence west to the 81°48'00" W meridian; thence north to the point of beginning.

Captain of the Port Office, Coast Guard Base, Key West, Fla. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 81°44'00" W meridian; on the south the 24°27'00" N. parallel; on the west the 81°55'00" W meridian; and on the north the 24°39'00" N. parallel.

Captain of the Port Office, 150 South East Third Avenue, Miami 32, Fla. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 26°50'00" N., 80°10'00" W., east to the 79°54'00" W meridian; thence south-southwesterly to a point at 25°30'00" N., 80°02'00" W., thence west to the 80°21'00" W meridian; thence north-northeasterly to the point of beginning.

Captain of the Port Office, P. O. Box 2029, San Juan, P. R. All navigable waters of the United States and contiguous land areas within the United States possessions of Puerto Rico and Virgin Islands.

Captain of the Port Office, P. O. Box 194, Savannah 12, Ga. All navigable waters of the United States and contiguous land areas within the following boundaries: a line extending from a point located at 32°08'00" N., 81°09'00" W east to the 80°47'30" W meridian; thence south to the 31°59'00" N. parallel; thence west to the 81°09'00" W meridian; thence north to the point of beginning.

Captain of the Port Office, 406 Federal Building, Tampa 2, Fla. All navigable waters of the United States and contiguous land areas within the following boundaries: a line extending from a point located at 28°03'00" N., 82°49'00" W east to the 82°20'00" W meridian; thence south to the 27°27'00" N. parallel; thence west to the 82°43'00" W meridian; thence northwesterly to a point at 27°36'00" N., 82°56'00" W., thence northeasterly to the point of beginning.

Eighth Coast Guard District. Captain of the Port Office, 919 Jones Building, Corpus Christi, Tex. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 96°55'00" W meridian; on the south the 27°35'00" N. parallel; on the west the 97°35'00" W meridian; and on the north the 28°00'00" N. parallel.

Captain of the Port Office, P. O. Box 358, Galveston, Tex. All navigable waters of the United States and contiguous

land areas within the following boundaries: On the east the 96°55'00" W meridian, on the south the 29°10'00" N. parallel, on the west the 95°00'00" W meridian, and on the north the 29°50'00" N. parallel.

Captain of the Port Office, Houston, Tex., P. O. Box 446, Galena Park, Tex. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 95°00'00" W meridian; on the south the 29°40'00" N. parallel; on the west the 95°30'00" W meridian; and on the north the 29°50'00" N. parallel.

Captain of the Port Office, Coast Guard Base, P. O. Box 270, Mobile, Ala. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 87°10'00" W meridian, on the south the 30°05'00" N. parallel, on the west the 88°10'00" W meridian, and on the north the 31°00'00" N. parallel.

Captain of the Port Office, P. O. Box 2406, Custom House Station, New Orleans, La. All navigable waters of the United States and contiguous land areas within the following boundaries: On the south the 28°50'00" N. parallel, on the west the 91°20'00" W meridian, on the north the 31°00'00" N. parallel to the Louisiana boundary line, thence south along said boundary line to the coast, thence east-southeasterly to a point located at 30°00'00" N., 88°50'00" W., thence south to 28°50'00" N.

Captain of the Port Office, Coast Guard Group, Sabine, Tex. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 93°10'00" W meridian, on the south the 29°30'00" N. parallel, on the west the 94°10'00" W meridian, and on the north the 30°25'00" N. parallel.

Captain of the Port Office, Coast Guard Lifeboat Station, Box 38, Port Isabel, Tex. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 97°00'00" W meridian, on the south the 26°00'00" N. parallel, on the west the 97°50'00" W meridian, and on the north the 26°25'00" N. parallel.

Ninth Coast Guard District. Captain of the Port Office, 440 Federal Building, Buffalo 3, N. Y. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 78°46'15" W meridian, on the south the 42°48'00" N. parallel, on the west the United States-Canadian International Boundary, and on the north the 43°04'00" N. parallel.

Captain of the Port Office, 610 South Canal Street, Chicago, Ill. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 42°05'00" N., 87°32'00" W southeasterly to a point located at 41°35'00" N., 87°16'00" W., thence west to the 88°00'00" W meridian; thence north to the 42°05'00" N. parallel; thence east to the point of beginning.

Captain of the Port Office, 500 WJW Building, 1375 Euclid Avenue, Cleveland 15, Ohio. All navigable waters of the United States and contiguous land areas within the following boundaries: A line

extending from a point located at 41°27'00" N., 81°30'00" W north to a point at 41°32'00" N., 81°30'00" W., thence northwesterly to a point at 41°38'30" N., 81°37'30" W., thence southwesterly to a point at 41°33'30" N., 81°51'00" W., thence south to the 41°27'00" N. parallel; thence east to the point of beginning.

Captain of the Port Office, 430 Federal Building, Detroit 26, Mich. All navigable waters of the United States and contiguous land areas within the following boundaries: From the intersection of the 42°00'00" N. parallel and the United States-Canadian Boundary west to 83°12'00" W., thence north to a point at 42°25'00" N., 83°12'00" W., thence east to 82°55'00" W., thence north to 42°45'00" N., thence east to 82°30'00" W., thence north to 43°02'45" N., thence east to the International Boundary thence southerly along the International Boundary to point of beginning.

Captain of the Port Office, 311 Federal Building, Duluth 2, Minn. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 91°58'20" W meridian, on the south the 46°38'00" N. parallel, on the west the 92°18'00" W. meridian, and on the north the 46°48'00" N. parallel.

Captain of the Port Office, 551 Federal Building, Milwaukee 2, Wis. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 87°43'00" W meridian, on the south the 42°50'40" N. parallel, on the west the 88°00'00" W meridian, and on the north the 43°11'30" N. parallel.

Captain of the Port Office, National Bank Building, Ludington, Mich. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 86°26'00" W. meridian, on the south the 43°56'00" N. parallel, on the west the 86°30'00" W. meridian, and on the north the 43°58'00" N. parallel.

Captain of the Port Office, 205 Federal Building, Oswego, N. Y. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 43°27'04" N., 76°31'45" W northwesterly to a point in Lake Ontario at 43°31'30" N., 76°34'25" W., thence northeasterly to a point at 43°32'15" N., 76°32'20" W., thence southeasterly to a point at 43°27'42" N., 76°29'41" W., thence southwesterly to the point of beginning.

Captain of the Port Office, Coast Guard Base, Sault Ste. Marie, Mich. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Detour Reef Light southeasterly to the United States-Canadian International Boundary thence northerly along that boundary to the 85°00'00" W meridian; thence south to the 46°10'00" N. parallel; thence east to the 84°30'00" W meridian; thence southeasterly to Detour Reef Light.

Captain of the Port Office, Veterans Building, 501 Huron Street, Toledo, Ohio. All navigable waters of the United

States and contiguous land areas within the following boundaries: A line extending from a point located at 41°35'00" N., 83°38'00" W. north to the Ohio-Michigan State Boundary; thence easterly along the Ohio-Michigan State Boundary to shore line; thence north-easterly to a point at 41°48'30" N., 83°17'35" W., thence southeasterly to a point at 41°44'00" N., 83°13'45" W., thence southwesterly to the 41°35'00" N. parallel; thence west to the point of beginning.

Eleventh Coast Guard District. Captain of the Port Office, Coast Guard Air Station, P. O. Box 2409, San Diego 12, Calif. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Loma Light north to 32°45'00" N., thence east to 117°05'00" W., thence south to 32°35'00" N., thence west to 117°08'00" W., thence in a northwesterly direction to Point Loma Light.

Captain of the Port Office, Los Angeles, P. O. Box 1251, Long Beach, Calif. All navigable waters of the United States and contiguous land areas within the following boundaries: On the south the 33°42'00" N. parallel, on the west the 118°18'00" W. meridian, on the north the 33°47'00" N. parallel, and on the east the 118°05'00" W. meridian.

Twelfth Coast Guard District. Captain of the Port Office, Pier 45½, San Francisco 11, Calif. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Reyes Light in a north-northeasterly direction to a point located at 38°16'00" N., 122°42'00" W., thence in a general northeasterly direction to 38°38'00" N., 121°24'00" W., thence in a south-southeasterly direction to 37°57'00" N., 121°12'00" W., thence in a southwesterly direction to 37°15'00" N., 121°54'00" W., thence in a northwesterly direction to Point Reyes Light.

Thirteenth Coast Guard District. Captain of the Port Office, P. O. Box 7743, Albina Station, Portland 12, Oreg. All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point at 46°20'00" N., 123°05'00" W., southeasterly to a point at 46°00'00" N., 122°30'00" W., thence south to the 45°45'45" N. parallel; thence east to the 121°05'00" W. meridian; thence south to the 45°20'00" N. parallel; thence west to the 122°45'00" W. meridian; thence northwesterly to a point at 45°45'00" N., 123°05'00" W., thence north to the 46°20'00" N. parallel. Additionally the following area in the vicinity of Astoria, Oreg., All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from the Columbia River Lightship northeasterly to a point at 46°20'00" N., 124°00'00" W., thence east to the 123°15'00" W. meridian; thence south to the 46°05'00" N. parallel; thence west to the 123°56'00" W. meridian; and thence northwesterly to the Columbia River Lightship.

Captain of the Port Office, Pier 70, Foot of Broad Street, Seattle 1, Wash.

All navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 47°00'00" N., 122°00'00" W., north to the United States-Canadian International Boundary line; thence west and southerly along said boundary line to a junction with the 123°20'00" W. meridian; thence south to the 47°00'00" N. parallel; thence east to the point of beginning.

Fourteenth Coast Guard District. Captain of the Port Office, Pier 11, Honolulu, T. H. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 154°00'00" W. meridian, on the south the 18°00'00" N. parallel, on the west the 162°00'00" W. meridian, and on the north the 23°00'00" N. parallel.

Seventeenth Coast Guard District. Captain of the Port Office, Coast Guard Base, Ketchikan, Territory of Alaska. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 131°20'00" W. meridian, on the south the 55°00'00" N. parallel, on the west the 132°00'00" W. meridian, and on the north the 55°30'00" N. parallel.

Dated: February 9, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 55-2100; Filed, Mar. 11, 1955;
8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MADDALENA AND IRENE DE GIAMBATTISTA
NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maddalena De Giambattista, Menarola, Italy, Claim No. 40895; \$1,190.97 in the Treasury of the United States; Irene De Giambattista, Menarola, Italy, Claim No. 40896, \$1,190.98 in the Treasury of the United States; 500 shares Liberty Oil & Gas Co., 10 cents P. V. capital stock, represented by Certificate No. 3284, registered in the name of John Baptiste, presently in the custody of the Comptroller's Section, Office of Alien Property, Washington, D. C., in equal shares to the claimants; Vesting Order No. 2418.

Executed at Washington, D. C., on March 7, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-2038; Filed, Mar. 11, 1955;
8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U. S. C. Sec. 641) as amended, commonly known as the Carey Act, have not been reclaimed, as required by the Carey Act, and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 14 E.,
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described total 200 acres.

The lands described are located in Idaho Grazing District No. 5, and are about one and one-fourth miles north and one mile east of Tuttle, Idaho. These are rolling lands at approximately 3,500 feet elevation, with numerous rock outcroppings. Vegetation is principally sagebrush, rabbit brush, cheat grass with some Idaho Fescue and native blue grass.

Approximately 75 out of the total 200 acres could possibly be developed by re-seeding with suitable grasses or with an adequate water supply reclaimed by irrigation. Approximately 15 acres in each subdivision would, with the showing of a source of water, meet the requirements of the desert-land law. Each subdivision would also qualify under the second proviso of the public-sale law.

No application for these lands will be allowed under the homestead, desert-land, small-tract or any other nonmineral public-land law, unless the lands have already been classified or shall be so classified upon consideration of an application.

Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time, the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747-43 U. S. C. 279-284) as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor

MARCH, 3, 1955.

[F. R. Doc. 55-2073; Filed, Mar. 11, 1955;
8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Idaho 04981, for the withdrawal from all forms of appropriation under the public-land laws, of the lands described below was filed on February 17, 1954, by certain range users and livestock operators.

The purpose of the proposed withdrawal: Stockdriveway.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Box 2237, Boise, Idaho.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 30 E.,
Sec. 19, All;
Sec. 20, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$,
Sec. 22, All;
Sec. 23, All;
Sec. 24, S $\frac{1}{2}$,
Sec. 25, All;
Sec. 26, N $\frac{1}{2}$.
T. 3 S., R. 31 E.,
Sec. 29, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, N $\frac{1}{2}$,
Sec. 34, N $\frac{1}{2}$,
Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 4 S., R. 31 E.,
Sec. 1, Lots 1, 2, 3, 4.
T. 3 S., R. 32 E.,
Sec. 25, W $\frac{1}{2}$,
Sec. 26, E $\frac{1}{2}$,
Sec. 31, Lots 4, 5, 6, 7;
Sec. 35, E $\frac{1}{2}$.
T. 4 S., R. 32 E.,
Sec. 2, N $\frac{1}{2}$,
Sec. 3, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 4, Lots 1, 2, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$,
Sec. 5, Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 3 S., R. 33 E.,
Sec. 30, Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Total area: 10,691.13 acres.

ODELL N. CHILD,
Acting State Supervisor

[F. R. Doc. 55-2092; Filed, Mar. 11, 1955;
8:49 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 4, 1955.

An application, Serial No. Idaho 05283, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed December 4, 1953, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: -Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Coeur d'Alene, Kaniksu and St. Joe National Forests.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Idaho, Bureau of Land Management, Box 2237, Boise, Idaho. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

DECEPTION CREEK EXPERIMENTAL FOREST

T. 51 N., R. 1 W.,
Sec. 19, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ Lot 4, SE $\frac{1}{4}$,
Sec. 20, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, All U. S. land in SE $\frac{1}{4}$,
Sec. 28, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
Sec. 29, All;
Sec. 30, All;
Sec. 31, All, except Lots 4 and 5;
Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 33, NW $\frac{1}{4}$.
T. 51 N., R. 2 W.,
Sec. 25, All;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 50 N., R. 1 W.,
Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$,
Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

PRIEST RIVER EXPERIMENTAL FOREST

T. 58 N., R. 3 W.,
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 18, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 19, All;
Sec. 20, All;
Sec. 21, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 28, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 29, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
 Sec. 30, All.
 T. 58 N., R. 4 W.,
 Sec. 23, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$,
 Sec. 24, All;
 Sec. 25, All;
 Sec. 26, All;
 Sec. 27, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Lots 2 and 3;
 Sec. 33, Lots 1 and 4;
 Sec. 34, Lots 1, 3, 4, 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

TEEP CREEK NATURAL AREA

T. 62 N., R. 4 W.,
 Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 16, All;
 Sec. 17, All;
 Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

UPPER AMERICAN FALLS RECREATION AREA

T. 65 N., R. 5 W.,
 Sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$,
 Sec. 11, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$,
 Sec. 13, W $\frac{1}{2}$.

ROCK CREEK RECREATION AREA

T. 64 N., R. 5 W.,
 Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

FORKS OF GRANITE CAMP AND PICNIC SITE

T. 62 N., R. 5 W.,
 Sec. 30, N $\frac{1}{2}$.

REEDER LAKE RECREATION AREA

T. 61 N., R. 5 W.,
 Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$.

BOTTLE LAKE RECREATION AREA

T. 62 N., R. 4 W.,
 Sec. 20, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$.

HUGHES MEADOWS ADMINISTRATIVE SITE

T. 64 N., R. 5 W.,
 Sec. 29, SE $\frac{1}{4}$,
 Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

BLUFF CREEK TIMBER ACCESS ROAD LOCATION

T. 44 N., R. 8 E.,
 Sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$,
 Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 19, NW $\frac{1}{4}$,
 T. 44 N., R. 7 E.,
 Sec. 12, SE $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 26, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$,
 Sec. 28, NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 T. 43 N., R. 7 E.,
 Sec. 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area: 16,138.82.

OBELL N. CHILD,
Acting State Supervisor.

[F. R. Doc. 55-2093; Filed, Mar. 11, 1955;
 8:49 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

MARCH 3, 1955.

An application, Serial No. Idaho 05164,
 for the withdrawal from location, sale,

and entry, under the General Mining
 Laws of the lands described below, sub-
 ject to existing valid claims, was filed
 June 2, 1954, by the United States De-
 partment of Agriculture.

The purpose of the proposed with-
 drawal: Recreation Area within the
 Sawtooth National Forest.

For a period of thirty days from the
 date of publication of this notice, per-
 sons having cause to object to the pro-
 posed withdrawal may present their
 objections in writing to the State Su-
 pervisor for Idaho, Bureau of Land Man-
 agement, Box 2237, Boise, Idaho. In
 case any objection is filed and the na-
 ture of the opposition is such as to war-
 rant it, a public hearing will be held at
 a convenient time and place, which will
 be announced, where opponents to the
 order may state their views and where
 proponents of the order can explain its
 purpose.

The determination of the Secretary on
 the application will be published in the
 FEDERAL REGISTER, either in the form of
 a public land order or in the form of a
 notice of determination if the applica-
 tion is rejected. In either case, a sepa-
 rate notice will be sent to each interested
 party of record.

The lands involved in the application
 are:

BOISE MERIDIAN, IDAHO

LAKEFORK RECREATION AREA

T. 12 S., R. 29 E.,
 Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

Total area: 40 acres.

J. R. PENNY,
State Supervisor

[F. R. Doc. 55-2094; Filed, Mar. 11, 1955;
 8:50 a. m.]

Bureau of Reclamation

GUNNISON-ARKANSAS PROJECT, COLORADO

ORDER OF REVOCATION

JULY 26, 1954.

Pursuant to the authority delegated by
 Departmental Order No. 2515 of April 7,
 1949 (14 F. R. 1937) I hereby revoke
 Departmental Order of May 16, 1946, in
 so far as said order affects the following
 described land; provided, however, that
 such revocation shall not affect the
 withdrawal of any other lands by said
 order or affect any other orders with-
 drawing or reserving the land herein-
 after described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 20 S., R. 52 W.,
 Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$,
 Sec. 29, SE $\frac{1}{4}$,
 Sec. 32, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$,
 Sec. 33, all;
 Sec. 34, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 21, S., R. 52 W.,
 Sec. 4, SW $\frac{1}{4}$,
 Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 22 S., R. 54 W.,
 Sec. 1, Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$.

The above area aggregates 2,160
 acres.

L. N. MCCLELLAN,
Acting Commissioner.

[Misc. 67610]

I concur. The records of the Bureau
 of Land Management will be noted
 accordingly.

The lands lie within Bent, Kiowa, and
 Otero Counties in southeastern Colorado.
 The general topography is gently rolling
 with sandy loam and sandy clay soils.
 Elevation is 4800 feet and average pre-
 cipitation is 12 inches annually. This
 average is based on frequent extremes
 of 6 and 30 inches annually. This area
 is capable of producing excellent grass
 and good wheat, sorghum, and other
 crops by dry farming methods. How-
 ever, this area frequently experiences
 prolonged, severe droughts and devastat-
 ing loss of topsoil from high winds.

No application for the lands may be
 allowed under the homestead, desert-
 land, small tract, or any other nonmin-
 eral public-land law unless the lands
 have already been classified as valuable
 or suitable for such type of application
 or shall be so classified upon the con-
 sideration of an application. Any ap-
 plication that is filed will be considered
 on its merits. The lands will not be
 subject to occupancy or disposition until
 they have been classified.

This order shall not otherwise become
 effective to change the status of the de-
 scribed lands until 10:00 a. m. on the
 35th day after the date of this order.
 At that time the said lands shall become
 subject to application, petition, location
 and selection, subject to valid existing
 rights, the provisions of existing with-
 drawals, the requirements of applicable
 laws, and the 91-day preference-right
 filing period for veterans and others
 entitled to preference under the act of
 September 27, 1944 (58 Stat. 747; 43
 U. S. C. 279-284), as amended.

Veterans' preference-right applica-
 tions under the act of September 27,
 1944 (58 Stat. 747; 43 U. S. C. 279-284)
 as amended, may be filed on or before
 10:00 a. m. on the 35th day after the
 date of this order, and those covering
 the same lands shall be treated as though
 simultaneously filed at that time. Appli-
 cations filed under the act after that
 time and during the succeeding 91 days
 shall be considered in the order of filing.
 Applications by the general public under
 the public-land laws, filed on or before
 10:00 a. m. on the 126th day after the
 date of this order shall be treated as
 though simultaneously filed at that time,
 where the applications are for the same
 lands; otherwise, priority of filing shall
 govern.

Inquiries regarding the lands shall be
 addressed to the Manager, Land Office,
 Bureau of Land Management, Denver,
 Colorado.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

MARCH 8, 1955.

[F. R. Doc. 55-2074; Filed, Mar. 11, 1955;
 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

New Hampshire Association for the Blind, 155½ North Main Street, Concord, New Hampshire, at a rate of not less than 0.05 cents per hour for a training period of 160 hours and 15 cents thereafter in the Home Industry Program. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Goodwill Industries of New Jersey, 288 Clerk Street, Jersey City, New Jersey, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester, New York, at a rate of not less than 20 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Goodwill Industries of New Jersey, 574 Jersey Avenue, Jersey City, New Jersey, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

New York Guild for the Jewish Blind, 1880 Broadway, New York 23, New York, at a rate of not less than 20 cents per hour. Certificate is effective March 1, 1955, and expires on February 29, 1956.

Opportunity Workshop of the Jewish Vocational Service of Essex County, 682 High Street, Newark 8, New Jersey, at a rate of not less than 25 cents per hour. Certificate is effective March 1, 1955, and expires on February 29, 1956.

Pennsylvania Association for the Blind, Delaware County branch, 100-06 West Fifteenth Street, Chester, Pennsylvania, at a rate of not less than 25 cents per

hour for a training period of 200 hours and 35 cents thereafter. Certificate is effective February 1, 1955, and expires January 31, 1956.

Northampton County Branch, Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pennsylvania, at a rate of not less than 10 cents per hour for a training period of 200 hours and 35 cents thereafter. Certificate is effective February 1, 1955, and expires January 31, 1956.

Baltimore Goodwill Industries, 201 Broadway, Baltimore, Maryland, at a rate of not less than 40 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

United Vocational Employment Service, 931 Penn Avenue, Pittsburgh, Pennsylvania, at a rate of not less than 10 cents per hour for a training period of 160 hours and 25 cents thereafter. Certificate is effective March 1, 1955, and expires February 28, 1956.

Jewish Vocational Workshop, 245 Southwest Seventeenth Avenue, Miami, Florida, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

Association of the Blind of South Carolina, P. O. Box 2, Columbia, South Carolina, at a rate of not less than 57½ cents per hour. Certificate is effective March 1, 1955, and expires February 28, 1956.

Goodwill Industries of Dayton, Inc., 201 West Fifth Street, Dayton, Ohio, at a rate of not less than 15 cents per hour for a training period of 40 hours and 40 cents thereafter in the Salvage Department, at a rate of not less than 15 cents per hour for a training period of 80 hours and 40 cents thereafter in the other workshops. Certificate is effective February 1, 1955, and expires January 31, 1956.

The Goodwill Industries, 119 North Howard Street, Akron 8, Ohio, at a rate of not less than 25 cents per hour for a training period of 40 hours in the Sorting Bolt, Baler and Warehouse Department, and 45 cents thereafter, and at a rate of not less than 50 cents per hour in the Contract Department. Certificate is effective February 1, 1955, and expires January 31, 1956.

Cincinnati Goodwill Industries and Rehabilitation Center, 514 East Pearl Street, Cincinnati 2, Ohio, at a rate of not less than 20 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

Goodwill Industries, Inc., 316 South Chapin Street, South Bend 25, Indiana, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

Wabash Valley Goodwill Industries, Inc., 120-122 North Fifth Street, Terre Haute, Indiana, at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective March 1, 1955, and expires on February 29, 1956.

Chicago Metropolitan unit, Illinois Association for the Crippled, 116 South Michigan Avenue, Chicago, Illinois, at a rate of not less than 10 cents per hour for a training period of 160 hours and 15 cents thereafter. Certificate is effective

January 1, 1955, and expires December 31, 1955.

Jewish Vocational Service and Employment Center, 231 South Wells Street, Chicago, Illinois, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

Milwaukee Goodwill Industries, Inc., 2102 West Pierce Street, Milwaukee 46, Wisconsin, at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective March 1, 1955, and expires February 29, 1956.

Missouri Goodwill Industries, 4140 Forest Park Boulevard, St. Louis 8, Missouri, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

National Handicapped Foundation, Inc., 418 North Market Street, Wichita 2, Kansas, at a rate of not less than 20 cents per hour. Certificate is effective February 1, 1955, and expires January 31, 1956.

Arkansas Lighthouse for the Blind, 1706 East Ninth Street, Little Rock, Arkansas, at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents per hour thereafter. Certificate is effective March 1, 1955, and expires February 28, 1956.

Volunteers of America, 1637 Market Street, San Diego 2, California at a rate of 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires January 15, 1956.

Goodwill Industries of Southern California, 342 San Fernando Road, Los Angeles 31, California, at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Alhambra PTA Thrift Shop, 11 North First Street, Alhambra, California, at a rate of not less than 60 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective February 2, 1955, and expires February 15, 1956.

Occupation Exchange, 1843 Empiro Street, Burbank, California, at a rate of not less than 25 cents per hour for a training period of 160 hours and 35 cents thereafter. Certificate is effective February 15, 1955, and expires February 14, 1956.

San Mateo County Society for Crippled Children and Adults, Inc., P. O. Box 308, Burlingame, California, at a rate of not less than 25 cents per hour. Certificate is effective March 1, 1955, and expires February 29, 1956.

Union Gospel Mission, 316 Second Avenue, Seattle 4, Washington, at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective February 1, 1955, and expires February 29, 1956.

California Industries for the Blind, Oakland Center, 570 Thirty-sixth Street, Oakland 9, California, at a rate of not less than 25 cents per hour for residents, at a rate of 25 cents per hour for a training period of 160 hours and 50 cents thereafter for Non-Residents.

[Docket No G-8550]
DAVIDOR & DAVIDOR
ORDER SUSPENDING PROPOSED CHANGES IN
RATES

not prescribed by the Natural Gas Act
(B) Interested State commissions may
participate as provided by §§ 18 and 137
(f) (18 CFR 18 and 137 (f)) of the
Commission's rules of practice and
procedure

Adopted: March 2, 1955

Issued: March 8, 1955

By the Commission:

[SEAL] LEON M. FUQUAY,
Secretary

[F R Doc 55-2080; Filed, Mar 11, 1955;
8:47 a m.]

Davidor & Davidor (Applicant), on
February 7, 1955, tendered for filing pro-
posed changes in presently effective rate
schedules for sales subject to the
jurisdiction of the Commission. The
proposed changes, which constitute in-
creased rates and charges, are contained
in the following designated filing which
is proposed to become effective on the
date shown:

Description	Purchaser	Rate schedule designation	Effective date
Notice of change (undated)	Cities Service Gas Co	Supplement No. 1 to applicant's FPO gas rate schedule No. 1	Mar 23, 1955

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date
proposed by applicant if later

The increased rates and charges pro-
posed in the aforesaid filing have not
been shown to be justified, and may be
unjust, unreasonable, unduly discrimi-
natory, or preferential, or otherwise un-
lawful

The Commission finds: It is necessary
and proper in the public interest and
to aid in the enforcement of the pro-
visions of the Natural Gas Act that the
Commission enter upon a hearing con-
cerning the lawfulness of the said pro-
posed changes, and that the above-
designated supplement be suspended and
the use thereof deferred as hereinafter
ordered

Adopted: March 2, 1955

Issued: March 8, 1955

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary

[F R Doc 55-2081; Filed, Mar 11, 1955;
8:47 a m.]

[Docket Nos G-6067-G-6077, G-6813]

SUPERIOR OIL CO ET AL

NOTICE OF APPLICATIONS AND DATE OF
HEARING

MARCH 7, 1955

In the matters of Superior Oil Com-
pany, Docket No G-6067; Keir-McGee
Oil Industries, Inc., Docket No G-6068;
British-American Oil Producing Com-
pany, Docket No G-6813; Stanolind Oil
and Gas Company, Docket Nos G-6069,
G-6070, G-6072, G-6073, G-6074, G-6075,
G-6076, G-6077, G-6071

Take notice that there have been filed
with the Federal Power Commission ap-
plications as hereinafter specified:

ing activity of an educational or thea-
tronic nature"

These certificates may be cancelled in
the manner provided by the regulations,
as amended. Any person aggrieved by
the issuance of any of these certificates
may seek a review or reconsideration
thereof within fifteen days after publica-
tion of this notice in the Federal Reg-
ister

Signed at Washington, D C, this 2d
day of March 1955

JACOB I. BELLOW,

Assistant Chief of Field Operations

[F R Doc 55-2075; Filed, Mar 11, 1955;
8:46 a m.]

FEDERAL POWER COMMISSION

[Docket No G-8549]

STANOLIND OIL AND GAS CO

ORDER SUSPENDING PROPOSED CHANGES IN
RATES

Stanolind Oil and Gas Company (Ap-
plicant), on February 2, 1955, tendered
for filing proposed changes in presently
effective rate schedules for sales subject
to the jurisdiction of the Commission
The proposed changes, which constitute
increased rates and charges, are con-
tained in the following designated filing
which is proposed to become effective on
the date shown:

Description	Purchaser	Rate schedule designation	Effective date
Notice of change, dated Feb 1, 1955	Cities Service Gas Co	Supplement No. 6 to applicant's FPO gas rate schedule No. 121	Apr 1, 1955

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date
proposed by applicant if later

The increased rates and charges pro-
posed in the aforesaid filing have not
been shown to be justified, and may be
unjust, unreasonable, unduly discrimina-
tory, or preferential, or otherwise
unlawful

The Commission finds: It is necessary
and proper in the public interest and to
aid in the enforcement of the provisions
of the Natural Gas Act that the Commis-
sion enter upon a hearing concerning
the lawfulness of the said proposed
changes, and that the above designated
supplement be suspended and the use
thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority con-
tained in sections 4 and 15 of the Natural
Gas Act and the Commission's general
rules and regulations (18 CFR Chapter
I), a public hearing be held upon a date
to be fixed by notice from the Secretary,
concerning the lawfulness of said pro-
posed changes in rates and charges; and,
pending such hearing and decision
thereon, the above-designated suppli-
ment be and the same hereby is sus-
pended and the use thereof deferred
until May 1, 1955, and until such further
time as it is made effective in the man-

* Commissioner Digby dissenting

Docket No.	Applicant	Address	Date filed
G-6067	Superior Oil Co.	400 Oil & Gas Bldg., Houston, Tex.	Nov. 29, 1954
G-6068	Kerr-McGee Oil Industries, Inc.	306 North Robinson, Oklahoma City, Okla.	Do.
G-6069 through G-6077	Stanolind Oil & Gas Co.	511 South Boston Ave., Tulsa, Okla.	Nov. 30, 1954
G-6813	British-American Oil Producing Co.	Dallas, Tex.	Do.

Each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Applicants propose to produce and sell natural gas to American Louisiana Pipe Line Company under contracts providing various price adjustments and favored nations clauses, as indicated below:

Docket No.	Applicant	Date of contract	Fields, Parishes, and States
G-6068	Kerr-McGee Oil Industries, Inc.	Nov. 6, 1953	Cameron Field, Cameron Parish, La.
G-6069	Stanolind Oil & Gas Co.	June 1, 1953	Savoy Field, St. Landry, La.
G-6070	do.	do.	Iowa Field, Jefferson Davis and Calcasieu, La.
G-6071	do.	do.	Lewisburg Field, Acadia and St. Landry, La.
G-6072	do.	do.	North Elton Field, Allen, La.
G-6073	do.	do.	South Elton Field, Jefferson Davis, La.
G-6074	do.	do.	Welsh Field, Jefferson Davis, La.
G-6075	do.	do.	Bayou Mallet Field, Acadia, La.
G-6076	do.	do.	South Jennings Field, Jefferson Davis, La.
G-6077	do.	do.	Cameron Field, Cameron, La.
G-6813	British-American Oil Prod. Co.	Nov. 6, 1953	Do.
G-6067	Superior Oil Co.	July 17, 1953	Deep Lake and Constance, Bayou Fields, Cameron La., Block 71 and Block 76 Fields, Vermillion Area, Gulf of Mexico; and Block 149 Field, West Cameron Area, Gulf of Mexico.

These related matters should be heard on a consolidated record and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 18, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1955.

[SEAL] LEON M. FUQUAY,
Secretary,

[F. R. Doc. 55-2076; Filed, Mar. 11, 1955;
8:46 a. m.]

[Docket Nos. G-1705, G-1937, G-2057, G-2433, G-2475, G-2932, G-3159, G-4611, G-4666, G-4940, G-5139, G-5979, G-8428, G-8431, G-8471]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS, PERMITTING INTERVENTION, RECONVENING HEARING AND SPECIFYING PROCEDURE

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433, G-2475; Missouri Public Service Company, Docket No. G-2057;

City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159; Missouri Central Natural Gas Company, Docket No. G-4611, Village of Westville, Illinois, Docket No. G-4666; Village of Pleasant Hill, Illinois, Docket No. G-4940; City of Waverly, Illinois, Docket No. G-5139; Village of Rossville, Illinois, Docket No. G-5979; Central Illinois Electric & Gas Co., Docket No. G-8428; City of Winchester, Illinois, Docket No. G-8431; Village of Franklin, Illinois, Docket No. G-8471.

The City of Winchester, Illinois (Winchester) a municipality in Scott County, Illinois filed on February 2, 1955, an application at Docket No. G-8431, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its gas transportation facilities with Winchester's proposed gas distribution system and to sell Winchester natural gas for distribution. Panhandle's pipe line is stated to pass within 4.1 miles of Winchester's southerly corporate limits. It is estimated that Winchester's maximum day gas requirement will be 700 Mcf.

The Village of Franklin, Illinois (Franklin) a municipality in Morgan County, Illinois, filed on February 14, 1955, an application at Docket No. G-8471, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle to establish physical connection of its gas transportation facilities with Franklin's proposed gas distribution system and to sell Franklin natural gas for distribution. Panhandle's pipe line is stated to pass within two miles of Franklin's corporate limits. It is esti-

ated that Franklin's maximum day gas requirement will be 350 Mcf.

Winchester and Franklin has each filed a petition for leave to intervene in and a motion that its respective application be consolidated with the Docket No. G-1705, et al., proceedings.

The Commission finds:

(1) It is appropriate and in the public interest to (a) consolidate for the purpose of hearing the proceedings in the caption hereof and (b) publish notice of application and hearing respecting Docket Nos. G-8431 and G-8471.

(2) Although the petitions to intervene of Winchester and Franklin were not filed within the time required by § 1.8 of the Commission's rules of practice and procedure, good cause exists to permit the late filing.

(3) The participation of Winchester and Franklin in these consolidated proceedings may be in the public interest.

The Commission orders:

(A) Due notice of the applications of Winchester and Franklin at Docket Nos. G-8431 and G-8471 respectively and of hearings to be held thereon be given, including publication in the FEDERAL REGISTER.

(B) The proceedings named in the caption hereof be and the same are hereby consolidated for the purpose of hearing.

(C) The petitioners, Winchester and Franklin, be and they hereby are permitted to become interveners in these proceedings, subject to the rules and regulations of the Commission: *Provided, however* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in such petitions for leave to intervene: *And provided, further* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The hearing in these proceedings reconvene commencing on April 5, 1955, at 10:00 a. m. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(E) At the reconvening of the hearing, Winchester and Franklin shall first present and complete their direct cases, and shall be cross-examined to the extent that parties to the proceedings including Staff are then prepared to conduct, following which there shall be completion of the direct presentation of Central West Utility Company and cross examination of all parties who shall have presented direct cases. Opportunity shall then be provided for the presentation of rebuttal evidence and for appropriate presentations by intervening parties.

Adopted: March 2, 1955.

Issued: March 7, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2079; Filed, Mar. 11, 1955;
8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER,
REGION I (NEW YORK)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Regional Administrative Officer, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450-1460) which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303-5 (December 28, 1954); 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (January 25, 1955))

Effective as of the 7th day of March 1955.

CLARENCE R. KNICKMAN,
Regional Administrator
Region I.

[F. R. Doc. 55-2101; Filed, Mar. 11, 1955;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3341]

GENERAL PUBLIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

ISSUANCE OF SHORT-TERM NOTES BY PARENT, ISSUANCE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT AND INCREASE IN AUTHORIZED SHARES OF SUBSIDIARY

MARCH 8, 1955.

General Public Utilities Corporation ("GPU") a registered holding company, and Jersey Central Power & Light Company ("Jersey Central") a public-utility subsidiary company of GPU, having filed an application-declaration with this Commission pursuant to sections 6, 7, and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

GPU proposes to issue from time to time its unsecured notes in an amount not to exceed \$5,000,000 outstanding at any one time. Such notes will mature ten months from the date issued, will bear interest at the prime rate for commercial borrowings at the date issued, and will be repayable without premium. Any such temporary borrowing may be refunded in part or in whole out of the

proceeds of further temporary borrowings of the same character, but no such temporary borrowings will be effected later than June 30, 1956. The proceeds of said notes will be used for investment in the common stock equities of the subsidiaries of GPU, including Jersey Central. GPU agrees that (i) when GPU shall have exhausted the authority sought by GPU in this application-declaration to effect borrowings and re-borrowings and (ii) if GPU shall have failed to obtain through a common stock financing in 1956 the requisite funds with which to repay the balance of the borrowings and re-borrowings then outstanding pursuant to the authority granted on the basis of this application-declaration, GPU will not seek authority from the Commission to issue debt securities on the basis of section 7 (c) (2) (A) of the act for the purpose of refunding, extending or discharging such outstanding balance of borrowings and re-borrowings.

Jersey Central proposes to issue and sell to GPU, and GPU proposes to purchase from Jersey Central, 400,000 additional shares of Jersey Central's common stock at the par value thereof, namely \$10 per share, for an aggregate purchase price of \$4,000,000. Such shares will be issued and sold by Jersey Central, and purchased by GPU, from time to time, but not later than the issuance and sale during 1955 by Jersey Central of additional first mortgage bonds, and, together with Jersey Central's retained earnings during 1955, will supply the additional common stock equity component of Jersey Central's 1955 financing.

Jersey Central additionally proposes to increase its authorized shares of common stock from 3,000,000 shares, of which 2,653,770 shares are presently outstanding, to 4,000,000 shares.

The common stock to be issued by Jersey Central has been expressly authorized by the Board of Public Utility Commissioners of the State of New Jersey, and State Commission of the State in which Jersey Central is organized and doing business.

It is estimated that GPU's expenses in connection with the foregoing transaction will not exceed \$500. Jersey Central's expenses are estimated as follows:

Filing fee, Board of Public Utility Commissioners of the State of New Jersey.....	\$500
Filing fee, re: amendment of Charter.....	2,000
Federal issue tax.....	4,400
Legal fees, Autenrieth & Rochester and Berlack, Isaacs & Liberman.....	2,000
Miscellaneous.....	400
Total.....	9,300

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application-declaration, as amend-

ed, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2097; Filed, Mar. 11, 1955;
8:50 a. m.]

[File No. 812-911]

BANK FIDUCIARY FUND

NOTICE OF APPLICATION BY INVESTMENT COMPANY FOR EXEMPTION

MARCH 8, 1955.

Notice is hereby given that Bank Fiduciary Fund ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act"), for exemption from the following sections of the act: Section 20 (a) section 24 (d) section 22 (d) and section 16 (a) and Rule N-20A-1 of the general rules and regulations promulgated thereunder.

Applicant was organized pursuant to the Banking Law of the State of New York as an open-end investment company to serve as a medium for the common investment of trust funds held by small banks and trust companies in New York which do not have common trust funds of their own. Applicant is sponsored by the Trust Division of the New York State Bankers Association which is bearing the expense of organizing and qualifying the company. It is subject to regulation and supervision by the Banking Board of the New York State Banking Department. Applicant's investment powers are subject to the limitations of the Personal Property Law of the State of New York which prescribes in detail those investments which are legal for fiduciaries.

Applicant will employ no underwriter or sales force, nor undertake any active sales campaign. It is contemplated that eligible banks and trust companies desiring to participate in Applicant's initial offering may place their orders at the price of \$100 per share, which includes no loading charge. Subsequent purchases will be made at current net asset value without any loading charge.

Applicant declares that compliance with certain provisions of the act would be unduly burdensome and involve unnecessary expense. It is further recited in the application that in light of the statutory limitations on Applicant's investment activities and the supervision of the New York State Banking Department compliance with these provisions is not required for the protection of the investing banks.

Applicant represents that compliance with the proxy rules promulgated under the Securities Exchange Act of 1934 as required by section 20 (a) of the Invest-

ment Company Act and Rule N-20A-1 thereunder would constitute an undertaking of substantial expense to Applicant without providing comparable benefit to its investors. In this connection it is represented that the board of directors will always be comprised of officers of the banks and trust companies which are eligible to invest in Applicant's shares. It will be the corporate policy to have each of the nine banking districts of the State of New York represented in the management and administration of the Applicant. Annual meetings of stockholders are required to be held.

Applicant also seeks an exemption from that part of section 24 (d) of the act which provides that the exemption from the registration requirements of the Securities Act of 1933 contained in section 3 (a) (11) of that act shall not be applicable to securities issued by a registered investment company. Section 3 (a) (11) of the Securities Act grants an exemption for securities sold only to persons resident within a single state by a corporation incorporated in and doing business within such state.

Applicant states that it intends to distribute to each trust company and bank eligible to invest in its share, a copy of the registration statement filed under the Investment Company Act, and that such registration statement contains all the information which Applicant would be required to furnish were it to register under the Securities Act. It states that there would be no real advantage in requiring the company to comply with the registration provisions of the Securities Act and distribute a prospectus, noting that the purchase of Applicant's shares is limited to state or national banks, having trust powers, which have their principal offices in New York State and that Applicant will be supervised and regulated by the State Banking Department.

Section 22 (d) of the act would require Applicant to sell its securities at a public offering price described in a prospectus. Applicant states that the reasons urged for exemption from section 24 (d) have equal application to this request.

Section 16 (a) prohibits a person from serving as a director of a registered investment company unless elected by the holders of the outstanding voting securities at an annual or special meeting called for that purpose.

Applicant has not sold any of its shares and it is contemplated that shares will not be sold until the end of April 1955. It is represented that the first meeting of the stockholders is to be held on or about February 7, 1956, at which time the then shareholders will elect a board of directors which will be constituted in compliance with section 16 (a). In the meantime, in order to avoid the added expense of a special meeting of shareholders prior to that date, Applicant requests an exemption from section 16 (a) so as to permit the present board of directors to serve until the first annual meeting of shareholders in 1956.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or pro-

visions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than March 21, 1955, at 12:00 noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-2095; Filed, Mar. 11, 1955;
8:50 a. m.]

[File No. 812-916]

TRI-CONTINENTAL CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR
EXEMPTION OF PURCHASE OF SECURITIES
DURING EXISTENCE OF UNDERWRITING
SYNDICATE FOR SUCH SECURITIES

MARCH 8, 1955.

In the matter of Tri-Continental Corporation, Broad Street Investing Corporation, Whitehall Fund, Inc., File No. 812-916.

Notice is hereby given that Tri-Continental Corporation ("Tri-Continental"), a registered closed-end diversified investment company, Broad Street Investing Corporation ("Broad Street") and Whitehall Fund, Inc. ("Whitehall"), registered open-end diversified investment companies, have filed a joint-application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the applicants of an aggregate of 16,400 shares of common stock, par value \$5 per share, of General Motors Corporation.

It is stated that General Motors is offering to its shareholders the right to subscribe for 4,380,683 shares of its common stock, and that the subscription offer expires at 6:00 p. m., on March 7, 1955. The application further states that as set forth in the prospectus of General Motors Corporation dated February 8, 1955, Clark, Dodge & Company, and Stillman, Maynard & Company, as underwriters have agreed to purchase 1.25 percent and 0.1 percent respectively of the shares of common stock of General Motors for which subscriptions are not received.

The application recites that David McAlpin, a director of each of the applicants, is a limited partner in the firm of Clark, Dodge & Co., and that Richard S. Maynard and R. Lawrence Oakley, partners in the firm of Stillman, Maynard & Co., are directors of Broad Street, and that Maynard is also a director of Whitehall.

It is represented in the application that on March 1, 1955, Tri-Continental, Broad Street and Whitehall purchased from Morgan Stanley & Company at the then current price 13,000, 2,300, and 300 shares, respectively of the common stock of General Motors, subject to the condition that this Commission grant the exemptions requested by this application.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Messrs. McAlpin, Maynard, and Oakley are affiliated persons of investment banking firms which are part of the underwriting group of the common stock offering of General Motors referred to above, the purchase of the common stock of General Motors by the applicants is subject to the provisions of section 10 (f) of the act.

It is represented that the respective purchases of common stock of General Motors are consistent with the investment policies of each of the applicants.

Notice is further given that any interested person may, not later than March 21, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-2096; Filed, Mar. 11, 1955;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30326]

GRAIN FROM POINTS IN MINNESOTA TO
IOWA, KANSAS, MISSOURI, AND NEBRASKA

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. W. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, carloads. From: Points in Minnesota.

To: Points in Iowa, Kansas, Missouri and Nebraska.

Grounds for relief: Rail competition, circuitry, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3866, supp. 73; CGW Ry, I. C. C. No. 5591, supp. 39; CRI & P., I. C. C. No. C-13411, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2082; Filed, Mar. 11, 1955; 8:48 a. m.]

[4th Sec. Application 30327]

BENZOL FROM MINNEQUA, COLO., TO
ARKANSAS CITY AND WICHITA, KANSAS

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Benzol (benzene) in tank-car loads.

From: Minnequa, Colo.

To: Arkansas City and Wichita, Kans.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3902, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2083; Filed, Mar. 11, 1955; 8:48 a. m.]

[4th Sec. Application 30328]

SALT, MINE RUN, FROM WINNFELD, LA.,
TO ALABAMA AND MISSISSIPPI

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Mine run salt, carloads.

From: Winnfield, La.

To: Points in Alabama and Mississippi.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2084; Filed, Mar. 11, 1955; 8:48 a. m.]

[4th Sec. Application 30329]

CAST IRON PIPE FROM BIRMINGHAM, ALA.,
AND CHATTANOOGA, TENN., TO CHAR-
LOTTESVILLE, VA.

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Birmingham, Ala., and Chattanooga, Tenn.

To: Charlottesville, Va.

Grounds for relief: Rail competition, circuitry, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1374, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2085; Filed, Mar. 11, 1955; 8:48 a. m.]

[4th Sec. Application 30330]

EMPTY RETURNED CONTAINERS FROM NEW
ORLEANS AND BATON ROUGE, LA., AND
NATCHEZ AND VICKSBURG, MISS., TO FORT
WAYNE, IND.

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Containers, empty returned, carloads.

From: New Orleans and Baton Rouge, La., Natchez and Vicksburg, Miss.

To: Fort Wayne, Ind.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. 417, supp. 105; C. A. Spaninger, Agent, I. C. C. 1351, supp. 110.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2086; Filed, Mar. 11, 1955;
8:48 a. m.]

[4th Sec. Application 30331]*

CAUSTIC SODA FROM MEMPHIS, TENN., TO
BLOOMINGTON, QUINCY, AND WOOD
RIVER, ILL.

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sodium (soda) caustic (sodium hydroxide) liquid, in tank-car loads.

From: Memphis, Tenn.

To: Bloomington, Quincy and Wood River, Ill.

Grounds for relief: Rail competition, circuitry, market competition, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1351, supp. 110.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2087; Filed, Mar. 11, 1955;
8:48 a. m.]

[4th Sec. Application 30332]

KYANITE FROM CLOVER, S. C., TO HARTFORD
AND SHELTON, CONN.

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Kyanite, crude or ground, (not pulverized) carloads.

From: Clover, S. C.

To: Hartford and Shelton, Conn.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional points.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1346, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2088; Filed, Mar. 11, 1955;
8:48 a. m.]

[4th Sec. Application 30333]

SUPERPHOSPHATE FROM SOUTHERN TERRI-
TORY TO MT. PLEASANT, IOWA, AND
WALSENBURG, COLO.

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated or defluorinated, in bulk, carloads.

From: Points in southern territory.

To: Mt. Pleasant, Iowa, and Walsenburg, Colo.

Grounds for relief: Rail competition, circuitry, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Com-

mission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2089; Filed, Mar. 11, 1955;
8:49 a. m.]

[4th Sec. Application 30334]

ALUMINA, CALCINED OR HYDRATED, FROM,
TO, AND BETWEEN POINTS IN OFFICIAL
TERRITORY

APPLICATION FOR RELIEF

MARCH 9, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to schedules listed below. Commodities involved: Alumina, calcined or hydrated, carloads.

Between: Points in official territory, east of the Illinois-Indiana State line, and between points in the latter territory, on the one hand, and points in southern and western trunk line territories, on the other.

Grounds for relief: Rail competition, circuitry, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4607, supp. No. 15; H. R. Hinsch, Agent, I. C. C. No. 4609, supp. No. 10; C. W. Boin, Agent, I. C. C. No. 4600, supp. No. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-2090; Filed, Mar. 11, 1955;
8:49 a. m.]